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## **MEMORANDUM <sup>1</sup>**

**TO:** Statutory Revision Committee

**FROM:** Nicole Myers, Office of Legislative Legal Services

**DATE:** April 16, 2021

**SUBJECT:** Modernization of the terminology used in the Colorado Revised Statutes relating to the organization of Colorado state governmental agencies without altering the status of the powers assigned to those agencies pursuant to the "Administrative Organization Act of 1968"

### **Background**

In October 2016, Debbie Haskins, a longtime and esteemed employee of the Office of Legislative Legal Services (OLLS), first presented the idea of modernizing the anachronistic language used to transfer state agencies and functions in the "Administrative Organization Act of 1968" (Administrative Organization Act) and in the Colorado Revised Statutes (C.R.S.) to the Statutory Revision Committee (SRC). At the same meeting, the SRC gave the OLLS authority to begin drafting an Administrative Organization Act modernization bill and Debbie began her work. Debbie spent countless hours on the Administrative Organization Act modernization project and had a bill draft ready to share with the SRC in the fall of 2017. Unfortunately, Debbie was not able to discuss the bill with this Committee or to finish the project before her death in October 2017.

The bill has been through many changes and revisions since the first draft in 2017. The OLLS has reconsidered (and reconsidered again) the best way to approach the

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<sup>1</sup> This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

modernization of the language in the Administrative Organization Act and the corresponding terminology used elsewhere in the C.R.S. The OLLS has also into consideration the early comments from the principal departments in response to Debbie's first draft in 2017.

## **Summary**

For many years, staff at the OLLS has been aware of verbose and inconsistent language used in the C.R.S. to implement the Administrative Organization Act. The terminology used to transfer the functions of one agency to another and to assign newly created entities to principal departments is archaic, obsolete, and difficult for the agencies and the public to understand. Furthermore, at least 47 different variations of the transfer language currently appear in the C.R.S.

The opportunity to simplify and standardize this transfer language presents a needed reform that may benefit the agencies whose powers and duties are governed by it, as well as Coloradans who look to the statutes to understand how these agencies function.

## **Analysis**

### **1. Background on the Administrative Organization Act and analysis of drafting practices based on the Act.**

In 1966, Colorado voters approved a constitutional amendment calling for the reorganization of the state government's executive branch into not more than 20 principal departments.<sup>2</sup>

In 1967, an interim committee analyzed every entity of state government, consolidated them into 17 principal departments,<sup>3</sup> and decided whether each entity should be a **type**

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<sup>2</sup> Amendment 1, titled "An Amendment to Article IV of the Constitution of the State of Colorado, by the addition of a new section 22, providing that executive and administrative offices, agencies, and instrumentalities of the executive department of the state government shall be allocated to not to exceed twenty departments, with certain exceptions," which was submitted to the electorate by the General Assembly. Amendment 1 is codified in article IV, § 22 of the state constitution.

<sup>3</sup> Currently, there are 19 principal departments.

**1** or a **type 2** entity or whether it should be abolished through a **type 3** transfer.<sup>4</sup> Based on that analysis, the General Assembly enacted Senate Bill 68-001, creating the "Administrative Organization Act of 1968"<sup>5</sup> in article 1 of title 24, C.R.S., which laid out the structure of the principal departments, assigned every entity of state government to a principal department, and specified its type.

The reorganization was based on a transfer concept set out in § 24-1-105, C.R.S., which defined the three types of transfers determining the relationship between an entity of state government and the principal department in which it was located.<sup>6</sup> To this day, the transfer of the entity's powers, duties, and functions to another principal department by a **type 1** or **type 2** transfer is used to affect the authority of the entity and to define the relationship between the entity and the principal department to which the entity is assigned.

According to the *Colorado Legislative Drafting Manual*, there is a significant difference between the powers of an entity transferred by a **type 1**<sup>7</sup> transfer and an entity transferred by a **type 2**<sup>8</sup> transfer:

A **type 1** transfer denotes a relationship in which the subordinate division, board, or other agency exercises its powers, duties, and functions independently of the executive director of the department within which the agency is placed. The most important powers retained by a **type 1** agency – powers which may be exercised in whatever way the agency determines, even without the approval of the executive director – are the promulgation of rules and the rendering of administrative findings, orders, and adjudications.<sup>9</sup>

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<sup>4</sup> Report to the Colorado General Assembly, "Reorganizing the Executive Branch of Colorado's State Government," Colorado Legislative Council, Research Publication No. 131, December 1967, [www.law.du.edu](http://www.law.du.edu), digital collection of the Colorado Legislative Council.

<sup>5</sup> 1968 Colo. Sess. Laws, ch. 53.

<sup>6</sup> See **Addendum A**.

<sup>7</sup> Examples of entities transferred by a **type 1** transfer are the state board of education, the state board of health, and the public utilities commission.

<sup>8</sup> Examples of entities transferred by a **type 2** transfer are the state lottery division, the division of professions and occupations, and the division of local government.

<sup>9</sup> *Colorado Legislative Drafting Manual*, the Office of Legislative Legal Services, p. 6-1 (2020).

In a **type 2** transfer, all powers, duties, and functions of the division, board, or other agency belong to the executive director of the department.<sup>10</sup>

A **type 3** transfer involves the transfer of *all* functions of an agency to another agency and the abolition of the old agency; it is rarely used.<sup>11</sup>

In Senate Bill 68-001, each agency and its powers, duties, and functions were transferred to a principal department using the simple phrase "are transferred." For example:

**24-1-117. Department of revenue - creation.** (2) The department of revenue and the office of director of revenue, created by article 35 of this title, and their powers, duties, and functions are transferred by a **type 2** transfer to the department of revenue.

(3) The powers, duties, and functions of the secretary of state with respect to fermented malt beverages and malt, vinous, and spirituous liquors under the provisions of articles 46 to 48 of title 12, C.R.S., are transferred by a **type 2** transfer to the department of revenue.

The 1967 interim committee recommended and intended<sup>12</sup> that any new agencies created after the reorganization would be created using a transfer approach via the three statutorily defined types of transfers.

In 1969, the year following the reorganization, the simple phrase "are transferred" was again used when transferring or creating new departments; however, in 1970 and years thereafter, variations arose, including:

- "are hereby transferred"; and
- "as if the same were transferred to the department by a **type 1** transfer as such transfer is defined in the 'Administrative Organization Act of 1968'".

Ten years after the reorganization, the 1977 *Legislative Drafting Manual* explained to drafters that when drafting bills creating a new agency or transferring an agency to another agency, the drafter needed to do two things: 1) Amend the applicable section in the Administrative Organization Act *and* the organic statute governing the agency to specify the transfer and type of the agency; and 2) Use the phrase "as if it were transferred" when making such a transfer.

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> "Reorganizing the Executive Branch of Colorado's State Government", p. xx.

According to the 1977 *Legislative Drafting Manual*:

In order to keep article 1 up to date and to clearly define the status of newly created agencies within the context of executive reorganization, any bill creating a new executive agency with substantive powers (*i.e.*, an agency other than a strictly advisory board or committee), or transferring any such agency from one department to another, or abolishing such an agency, **MUST** include an appropriate amendment to title 24, article 1.

...

In the case of a new agency, the text should refer to the type of transfer with the notation that the agency shall exercise its powers, etc., as if it were transferred by a type 1 or type 2 transfer, since a new agency is not actually being transferred.

...

As a matter of custom, similar language defining the type of transfer is included in the substantive law governing the agency created or transferred.<sup>13</sup>

Nothing in article 1 of title 24, C.R.S., nor in the interim committee report, explains that a subsequent *transfer* of an entity should be accomplished using the phrase "as if it were transferred." This language appears to be the result of the way *some, but not all*, bills were drafted after the 1968 reorganization.

In hindsight, the language "as if it were transferred by a **type 1** or **type 2** transfer" is an awkward and unclear phrase. This language essentially ties the creation of a new board's powers back to a reorganization that occurred in 1968—in essence, the translation is that "new board X exercises its powers as a **type 1** board as if it were being transferred by a **type 1** transfer back in 1968." This approach creates a fictional reality and is not the most clear and direct way to express what is actually intended.

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<sup>13</sup> *Legislative Drafting Manual*, Legislative Drafting Office, pp. 69-71 (1977).

2. **The transfer language used in the C.R.S. is overly complicated and difficult for the state agencies and the public to understand. The Statutory Revision Committee could introduce legislation to modernize and simplify the language while preserving the existing type of the agencies and their authority.**

### **2.1. Entities transferred "as if" transferred by a type 1 or type 2 transfer.**

In the C.R.S., there are at least 298 references to **type 1**, **type 2**, or **type 3** transfers. What is astonishing is that there are at least 47 different ways the transfers are described, sometimes within the same subsection.

As demonstrated in **Addendum B**, there are multiple ways in which the transfer concept is currently expressed in the C.R.S., which adds to the confusion. Instead, the designation of the status of an agency's powers as either a **type 1** or **type 2** entity could be stated very simply in plain English without any reference to a transfer. For example:

Agency X is a **type 1** [or **type 2**] entity as defined in section 24-1-105, and shall exercise its powers and perform its duties and functions under the department.

### **2.2. Transfers of powers, duties, and functions of an entity but not the entity itself.**

There are many examples in the statutes of the transfer of an entity's powers, duties, and functions by a **type 1** or **type 2** transfer, while the entity itself is not transferred. This transference approach is another possible source of confusion, as the transfer type is a means of expressing an entity's relationship to the principal department in which it is located, but in these situations the entity itself is not transferred. This intent could be stated more simply, again without using transfer language. For example:

The powers, duties, and functions of entity X include the powers, duties, and functions of entity Y. Entity X is a **type 1** [or **type 2**] entity as defined in section 24-1-105.

### **2.3. Entities that have actually been transferred from one department to another after the 1968 reorganization of state government.**

The General Assembly does occasionally create an entity in one principal department and, subsequent to its creation, transfers the entity to another principal department. Rather than expressing these transfers as **type 1** or **type 2** transfers, the transfer of the entity and its powers, duties, and functions may be accomplished by simply stating that the entity "is transferred" as expressed in Senate Bill 68-001. The transferred entity may

then be designated as a **type 1** or **type 2** entity in the new principal department to which it is relocated. For example:

Entity X is transferred from department A to department B. Entity X is a **type 1** [or **type 2**] entity as defined in section 24-1-105 and shall exercise its powers and perform its duties and functions under department B.

#### **2.4. Type 3 transfers and the abolition of entities.**

Finally, the language regarding **type 3** transfers may also be simplified and expressed in plain English. Currently, when the powers, duties, and functions of an entity are transferred from one principal department to another and the original entity is abolished, the transfer is expressed as a **type 3** transfer. This approach seems unnecessary since the transfer type generally indicates the relationship of an entity to the department in which it is created. However, with a **type 3** transfer, the entity is abolished, thereby eliminating the need to identify a relationship to the principal department. The relocation of an entity from one department to another and the abolition of the entity can also be expressed in the C.R.S. more simply. For example:

The powers, duties, and functions of department A include the powers, duties, and functions of the former division of X, and the division of X is abolished.

Modernizing and simplifying these statements would result in statutes that are expressed in the present time and in the present tense while preserving the entity's status and authority as designated by type in the Administrative Organization Act. This approach would standardize and streamline the transfer language in the Administrative Organization Act and throughout the C.R.S.

### **3. While the status of an agency is expressed in article 1 of title 24, C.R.S., many times the type 1 or type 2 status of the agency is not also expressed in the organic statute.**

The 1968 legislation that reorganized all state agencies did not include corresponding amendments in the "organic" statutes that actually created the particular departments, divisions, or boards.

This inconsistency resulted in an anomaly in which numerous boards' and agencies' statuses, with regard to their powers, duties, and functions, were only identified in article 1 of title 24, C.R.S., and not in their organic statutes, where a reader would typically look for this information.

Because the Administrative Organization Act requires an entity to exercise its powers consistent with the level of authority allocated to it by the General Assembly, it would be helpful to the departments and to the public to provide ready access to that information in the relevant, organic statute establishing the entity.

In addition, when comparing the Administrative Organization Act and the organic statutes, staff has identified several discrepancies in the names of entities and references to units of government that no longer exist. Legislation sponsored by the Committee could also correct these errors and discrepancies.

## Statutory Charge<sup>14</sup>

The issues and recommendations presented in this memorandum comport with the Statutory Revision Committee's charge because they would eliminate defects in the law, bring the law into harmony with modern conditions, and align and harmonize the status and authority assigned to particular units of state government in the Administrative Organization Act.

## Proposed Bill

The proposed Administrative Organization Act modernization bill, LLS # 21-0284, does the following:

1. Modernizes the Administrative Organization Act to define **type 1** and **type 2 entities**, rather than **type 1** and **type 2 transfers** to specify the relationship between an entity of state government and the principal department in which it is located.
2. Repeals all **type 1** and **type 2** transfer language and, instead, identifies each entity of state government as a **type 1** or **type 2 entity** that exercises its powers and performs its duties and functions under the department in which the entity is located.

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<sup>14</sup> The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." Section 2-3-902 (1), C.R.S. In addition, the SRC "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." Section 2-3-902 (3), C.R.S.



3. Repeals language that transfers powers, duties, and functions of an entity rather than the entity itself by a **type 1** or **type 2** transfer and, instead, identifies the specific powers, duties, and functions that are included in the powers, duties, and functions of the department that will have responsibility for them.
4. Repeals **type 3** transfer language that is used to transfer, then abolish, an entity and, instead, identifies that the powers, duties, and functions of the entity to be abolished are included in the powers, duties, and functions of the principal department that will assume them.
5. Amends the applicable organic statutes to specify and align the **type 1** or **type 2** status of the boards, commissions, divisions, and agencies with the designation of the **type 1** or **type 2** status assigned to that board, commission, division, or agency in the Administrative Organization Act, corrects errors in the names of entities, and repeals references to units of government that no longer exist.

# ADDENDUM A

## COLORADO REVISED STATUTES

**24-1-105. Types of transfers.** (1) Under this article, a **type 1** transfer means the transferring intact of an existing department, institution, or other agency, or part thereof, to a principal department established by this article. When any department, institution, or other agency, or part thereof, is transferred to a principal department under a **type 1** transfer, that department, institution, or other agency, or part thereof, shall be administered under the direction and supervision of that principal department, but it shall exercise its prescribed statutory powers, duties, and functions, including rule-making, regulation, licensing, and registration, the promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications, independently of the head of the principal department. Under a **type 1** transfer, any powers, duties, and functions not specifically vested by statute in the agency being transferred, including, but not limited to, all budgeting, purchasing, planning, and related management functions of any transferred department, institution, or other agency, or part thereof, shall be performed under the direction and supervision of the head of the principal department.

(2) Under this article, a **type 2** transfer means the transferring of all or part of an existing department, institution, or other agency to a principal department established by this article. When all or part of any department, institution, or other agency is transferred to a principal department under a **type 2** transfer, its statutory authority, powers, duties, and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting, purchasing, and planning, are transferred to the principal department.

(3) Under this article, a **type 3** transfer means the abolishing of an existing department, institution, or other agency and the transferring of all or part of its powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds to a principal department as specified under this article.

(4) When any department, institution, or other agency, or part thereof, is transferred by a **type 2** or **type 3** transfer to a principal department under the provisions of this article, its prescribed powers, duties, and functions, including rule-making, regulation, licensing, promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications are transferred to the head of the principal department into which the department, institution, or other agency, or part thereof, has been transferred.

## ADDENDUM B

as if transferred thereto by a <b>type 2</b> transfer as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.
as if the same were transferred to the department by a <b>type 2</b> transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.
as if the same were transferred to the department by a <b>type 1</b> transfer, as such transfer is defined in section 24-1-105, C.R.S.
are transferred from (blank) to (blank) by a <b>type 2</b> transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.
are transferred, (effective date), by a <b>type 1</b> transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S., to(blank) and allocated to (blank)
as if the powers, duties, and functions were transferred to the division by a <b>type 1</b> transfer, as defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.
as if it were transferred to the department by a type 1 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.
as if they were transferred to the department by a <b>type 2</b> transfer
as if transferred to the division by a <b>type 1</b> transfer, as defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.
as if transferred thereto by a <b>type 2</b> transfer, as defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.
as if the same were transferred to the department by a <b>type 2</b> transfer as defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.
as if the same were transferred to the department by a <b>type 2</b> transfer
as if the same were transferred by a <b>type 2</b> transfer
as if the same were transferred by a <b>type 1</b> transfer to the department
as if the same were transferred thereto by a <b>type 1</b> transfer
as if the same were transferred to said department by a <b>type 2</b> transfer
as if the same were transferred by a <b>type 1</b> transfer, as defined in section 24-1-105, to the department of transportation
as if the same were transferred to the department by a <b>type 1</b> transfer, as defined in section 24-1-105, C.R.S.
as if the same were transferred to such department by this article under a <b>type 2</b> transfer, unless otherwise specified by such law

are hereby transferred by a <b>type 3</b> transfer to the department
There is hereby created by a <b>type 1</b> transfer in the department ...
are transferred by a <b>type 2</b> transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S., to the department
are transferred by a <b>type 2</b> transfer to the department of state, subject to
as if transferred to the department by a <b>type 1</b> transfer
as if the division were transferred by a <b>type 2</b> transfer to the department of education.
as if it were transferred by a <b>type 2</b> transfer to the department of public health and environment
as if transferred by a <b>type 2</b> transfer
as if transferred thereto by a <b>type 2</b> transfer
as if (the board) were transferred to the division by a type 1 transfer
are transferred as if by a type 1 transfer
as if the same were transferred to the department of natural resources and allocated to the division of reclamation, mining, and safety as a section thereof by a <b>type 2</b> transfer.
as if it were transferred to said department by a type 1 transfer
as if transferred by a type 2 transfer to the department
are transferred by a type 3 transfer, as defined in section 24-1-105
as transferred to the department by a <b>type 2</b> transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title
are hereby transferred by a type 2 transfer from the department to
to meet the requirements of the commission concerning any matters within the authority of an agency transferred by a <b>type 1</b> transfer, as defined in section 24-1-105, C.R.S.,
as if transferred to the department by a <b>type 1</b> transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.
as if it were transferred to the department by a <b>type 1</b> transfer under the provisions of the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.
as if it were transferred by a <b>type 2</b> transfer under the provisions of the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.
as if the (board) were transferred by a <b>type 2</b> transfer, as a division thereof
as if transferred by a <b>type 2</b> transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title, to the department
as if the same were transferred to the department by a <b>type 2</b> transfer, as such transfer is defined in the "Administrative Organization Act of 1968", being article 1 of this title

as if it were transferred to the department by a **type 1** transfer as such transfer is defined in the "Administrative Organization Act of 1968", being article 1 of this title

as if it were transferred to the department by a type 1 transfer under the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

as if the agency or officer were transferred to the department by a **type 2** transfer, as defined in section 24-1-105, until the general assembly shall otherwise designate

There is hereby created within the department, as a type 2 entity, the ...

**Administrative Organization Act Modernization**  
**(Proposed Draft LLS# 21-0284)**  
**Chart of Sections Affecting each Principal Department**

To aid the reader, the bill is organized in the following order:

There are 3 sections in the Administrative Organization Act that apply to all principal departments:

Section 1 - Legislative declaration, §24-1-101

Section 2 - Types of entities defined, §24-1-105;

Section 3 - Repeal of transfer explanations, §24-1-129

Additional sections in the bill are grouped together for each principal department in the order in which the departments appear in the Administrative Organization Act, followed by the conforming amendments in organic sections for that principal department.

The chart below indicates the sections that affect each principal department in the order in which that department is addressed in the bill.

<b>Principal Department</b>	<b>Administrative Organization Act: Bill Section and C.R.S. Section</b>	<b>Organic Statutes: Bill Sections and Page Numbers</b>
Department of State	Section 4; §24-1-111	Sections 4-5; Pages 7-8
Department of Treasury	Section 6; §24-1-112	Section 6; Page 8 (no conforming amendments)
Department of Law	Section 7; §24-1-113	Sections 7-8; Pages 8-9
Department of Higher Education	Section 9; §24-1-114	Sections 9-16; Pages 9-15  Also Section 145 on page 102 - §24-1-124 (3)(j) re: location of division of forestry and state forester (page 106)

<b>Principal Department</b>	<b>Administrative Organization Act: Bill Section and C.R.S. Section</b>	<b>Organic Statutes: Bill Sections and Page Numbers</b>
Department of Education	Section 17; §24-1-115	Sections 17-30; Pages 15-25
Department of Revenue	Section 31; §24-1-117	Sections 31-37; Pages 25-30
Department of Public Health and Environment	Section 38; §24-1-119	Sections 38-52; Pages 30-40
Department of Health Care Policy and Financing	Section 53; §24-1-119.5	Sections 53-57; Pages 40-44
Department of Human Services	Section 58; §24-1-120	Sections 58-74; Pages 44-58
Department of Labor and Employment	Section 75; §24-1-121	Sections 75-89; Pages 58-69
Department of Regulatory Agencies	Section 90; §24-1-122	Sections 90-133; Pages 69-92
Department of Agriculture	Section 134; §24-1-123	Sections 134-144; Pages 92-102
Department of Natural Resources	Section 145; §24-1-124	Sections 145- 161; Pages 102-115
Department of Local Affairs	Section 162; §24-1-125	Sections 162-174; Pages 116-124  Also Section 58 on page 44 - §24-1-120 (5)(i) re: office of homeless youth (page 47)
Department of Military and Veterans Affairs	Section 175; §24-1-127	Sections 175-181; Pages 124-129

<b>Principal Department</b>	<b>Administrative Organization Act: Bill Section and C.R.S. Section</b>	<b>Organic Statutes: Bill Sections and Page Numbers</b>
Department of Personnel	Section 182; §24-1-128	Sections 182-191; Pages 129-135
Department of Corrections	Section 192; §24-1-128.5	Sections 192-196; Pages 135-140
Department of Public Safety	Section 197; §24-1-128.6	Sections 197-208; Pages 140-150  Also section 145 on page 102 - §24-1-124 (3)(j) re: location of division of forestry and state forester (page 106)
Department of Transportation	Section 209; §24-1-128.7	Sections 209-217; Pages 151-158

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First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

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4.8.21

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LLS NO. 21-0284.01 Nicole Myers x4326

COMMITTEE BILL

Statutory Revision Committee

**BILL TOPIC:** "Modernize Terms For Exec Branch Admin Organization"

**A BILL FOR AN ACT**

101     **CONCERNING THE MODERNIZATION OF THE TERMINOLOGY USED IN**  
102             **THE COLORADO REVISED STATUTES RELATING TO THE**  
103             **ORGANIZATION OF COLORADO STATE GOVERNMENTAL**  
104             **AGENCIES WITHOUT ALTERING THE STATUS OF THE POWERS**  
105             **ASSIGNED TO THOSE AGENCIES PURSUANT TO THE**  
106             **"ADMINISTRATIVE ORGANIZATION ACT OF 1968".**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** Under current law, the

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

"Administrative Organization Act of 1968" (AOA) sets forth the organizational structure of the principal departments of the executive branch of Colorado state government based on a series of transfers and allocations of authority, powers, duties, and functions to units of government, referred to as "entities", that occurred in 1968, and as amended since that time as entities were created, transferred, or abolished. The AOA defines 3 types of transfers that determine the relationship between an entity and the principal department in the executive branch. The designation of an entity as a **type 1** or **type 2** entity, and the transfer of the entity's powers, duties, and functions to another entity by a **type 1** or **type 2** transfer, affects the authority of the entity and defines the relationship between the entity and the principal department to which the entity is assigned. Historically, a **type 3** transfer involved the transfer of all functions of an entity to another entity and the abolition of the original entity from which the functions had been transferred.

The bill modernizes and simplifies the terminology used in creating and transferring entities among principal departments under the AOA and throughout the Colorado Revised Statutes while preserving the status and the powers assigned in current law to entities in the AOA.

The bill defines "**type 1** entity" and "**type 2** entity" and states that when a new entity is created as a **type 1** entity or a **type 2** entity and allocated to a principal department under the AOA, or when an existing entity is transferred from one principal department to another, the entity has all of the powers, duties, and functions of a **type 1** or **type 2** entity, as applicable. The bill eliminates language regarding **type 1** and **type 2** transfers and specifies that when an existing entity is transferred from one principal department to another, the transferred entity shall exercise its powers and perform its duties and functions in the principal department to which it was transferred as a **type 1** or **type 2** entity, as specified in law.

The bill amends organic statutes for the principal departments to specify the **type 1** or **type 2** status of the entities within those principal departments where the **type 1** or **type 2** status is not stated. The bill also amends the AOA to specify the **type 1** or **type 2** status of the entities where the **type 1** or **type 2** status is found in the organic statute but is missing in the AOA.

Currently, when an entity is abolished by a **type 3** transfer, the original entity and its powers, duties, and functions are transferred to another principal department and the original entity is abolished. The bill eliminates references to **type 3** transfers and specifies that the powers, duties, and functions of the abolished entity are included in powers, duties, and functions of the entity to which it was transferred.

The bill also corrects errors in the names of entities to make the references consistent throughout the statutes.

To aid the reader, the bill is organized to group all the amendments to each principal department, including conforming amendments, together.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 24-1-101 as  
3 follows:

4 **24-1-101. Legislative declaration.** (1) The general assembly  
5 declares that this ~~article~~ ARTICLE 1 is necessary to create a structure of  
6 state government ~~which will be~~ THAT IS responsive to the needs of the  
7 people of this state and sufficiently flexible to meet changing conditions;  
8 to strengthen the powers of the governor and provide a reasonable span  
9 of administrative and budgetary controls within an orderly organizational  
10 structure of state government; to strengthen the role of the general  
11 assembly in state government; to encourage greater participation of the  
12 public in state government; to effect the grouping of state agencies into  
13 a limited number of principal departments primarily according to  
14 function; and to eliminate overlapping and duplication of effort. ~~It is the~~  
15 ~~intent of the general assembly to provide for an orderly transfer of~~  
16 ~~powers, duties, and functions of the various state agencies to such~~  
17 ~~principal departments with a minimum of disruption of governmental~~  
18 ~~services and functions and with a minimum of expense.~~ To the ends  
19 stated in this section, this ~~article~~ ARTICLE 1 shall be liberally construed.

20 (2) SINCE THE GENERAL ASSEMBLY ENACTED THE  
21 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", WHICH LAID OUT THE  
22 STRUCTURE OF THE PRINCIPAL DEPARTMENTS, ASSIGNED AND  
23 TRANSFERRED EVERY ENTITY INTO A PRINCIPAL DEPARTMENT, AND  
24 SPECIFIED WHETHER THE ENTITY WAS TRANSFERRED BY A **TYPE 1** OR **TYPE**

1     **2** TRANSFER OR ABOLISHED BY A **TYPE 3** TRANSFER, THE GENERAL  
2     ASSEMBLY HAS DETERMINED THAT:

3           (a) THE TRANSFER LANGUAGE USED IN THIS ARTICLE 1 IS OVERLY  
4     COMPLICATED, AND THE CONCEPT THAT A NEW ENTITY OBTAINS OR  
5     RETAINS ITS POWERS "AS IF IT WERE TRANSFERRED", BASED ON A  
6     REORGANIZATION THAT OCCURRED IN 1968, IS AN AWKWARD WAY OF  
7     EXPRESSING THE ENTITY'S STATUS;

8           (b) WHILE THE STATUS OF AN ENTITY IS EXPRESSED IN THIS  
9     ARTICLE 1, THE **TYPE 1** OR **TYPE 2** STATUS OF THE ENTITY OFTEN IS NOT  
10    SPECIFIED IN THE ORGANIC STATUTE THAT GOVERNS THE ENTITY, WHICH  
11    IS WHERE A READER WOULD TYPICALLY LOOK FOR THIS INFORMATION;

12          (c) WHILE THERE WERE MANY REFERENCES TO **TYPE 3** TRANSFERS  
13    BY WHICH ENTITIES WERE HISTORICALLY ABOLISHED, IN 2021 THE  
14    TERMINOLOGY USED IN THE STATUTES WAS MODERNIZED TO SIMPLY  
15    IDENTIFY THE NEW ENTITY RESPONSIBLE FOR THE POWERS, DUTIES, AND  
16    FUNCTIONS OF THE ABOLISHED ENTITY WITHOUT THE USE OF THE ARCHAIC  
17    **TYPE 3** TRANSFER LANGUAGE; AND

18          (d) THE COLORADO REVISED STATUTES WOULD BE IMPROVED BY  
19    MODERNIZING THE MEANS BY WHICH AN ENTITY'S STATUS IS DESIGNATED  
20    AND THE WAY IN WHICH AN ENTITY'S POWERS, DUTIES, AND FUNCTIONS  
21    ARE EXPRESSED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968"  
22    AND IN THE ORGANIC STATUTE WHERE THE ENTITY IS CREATED.

23           **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**  
24    **with amendments,** 24-1-105 as follows:

25           **24-1-105. Types of entities defined - creation of new entities -**  
26    **transfers of existing entities.** (1) THE FOLLOWING DEFINITIONS APPLY TO  
27    EVERY STATUTE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1           (a) "ENTITY" MEANS A PRINCIPAL DEPARTMENT OF THE STATE OR  
2           ANY DIVISION, INSTITUTION, OR PART OF A PRINCIPAL DEPARTMENT, OR  
3           ANY AGENCY, BOARD, COMMISSION, OR UNIT OF STATE GOVERNMENT THAT  
4           IS CREATED IN OR ASSIGNED TO A PRINCIPAL DEPARTMENT OF THE STATE.  
5           "ENTITY" INCLUDES AN INDIVIDUAL CARRYING OUT POWERS OR  
6           EXERCISING DUTIES OR FUNCTIONS.

7           (b) "**TYPE 1** ENTITY" MEANS AN ENTITY THAT IS ADMINISTERED  
8           UNDER THE DIRECTION AND SUPERVISION OF A PRINCIPAL DEPARTMENT  
9           ESTABLISHED IN THIS ARTICLE 1, BUT EXERCISES ITS PRESCRIBED  
10          STATUTORY POWERS AND PERFORMS ITS PRESCRIBED DUTIES AND  
11          FUNCTIONS, INCLUDING RULE-MAKING, REGULATION, LICENSING, AND  
12          REGISTRATION; THE PROMULGATION OF RULES, RATES, REGULATIONS, AND  
13          STANDARDS; AND THE RENDERING OF FINDINGS, ORDERS, AND  
14          ADJUDICATIONS, INDEPENDENTLY OF THE HEAD OF THE PRINCIPAL  
15          DEPARTMENT. UNDER A **TYPE 1** ENTITY, ANY POWERS, DUTIES, AND  
16          FUNCTIONS NOT SPECIFICALLY VESTED BY STATUTE IN THE ENTITY,  
17          INCLUDING, BUT NOT LIMITED TO, ALL BUDGETING, PURCHASING,  
18          PLANNING, AND RELATED MANAGEMENT FUNCTIONS OF THE ENTITY, ARE  
19          PERFORMED UNDER THE DIRECTION AND SUPERVISION OF THE HEAD OF THE  
20          PRINCIPAL DEPARTMENT.

21          (c) "**TYPE 2** ENTITY" MEANS AN ENTITY WHOSE STATUTORY  
22          AUTHORITY, POWERS, DUTIES, AND FUNCTIONS, INCLUDING THE FUNCTIONS  
23          OF BUDGETING, PURCHASING, AND PLANNING, ARE UNDER THE DIRECTION  
24          AND SUPERVISION OF THE HEAD OF THE PRINCIPAL DEPARTMENT.

25          (2) WHEN A NEW ENTITY IS CREATED, THE ENTITY SHALL EXERCISE  
26          ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS IN THE PRINCIPAL  
27          DEPARTMENT IN WHICH IT WAS CREATED AS A **TYPE 1** OR **TYPE 2** ENTITY,

1 AS SPECIFIED IN LAW. WHEN AN EXISTING ENTITY IS TRANSFERRED FROM  
2 ONE PRINCIPAL DEPARTMENT TO ANOTHER PRINCIPAL DEPARTMENT, THE  
3 ENTITY SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
4 FUNCTIONS IN THE PRINCIPAL DEPARTMENT TO WHICH IT WAS  
5 TRANSFERRED AS A **TYPE 1** OR **TYPE 2** ENTITY, AS SPECIFIED IN LAW.  
6 WHEN AN EXISTING ENTITY IS ABOLISHED, ALL OR PART OF THE POWERS,  
7 DUTIES, AND FUNCTIONS OF THE ABOLISHED ENTITY AS WELL AS ITS  
8 RECORDS, PERSONNEL, PROPERTY, AND UNEXPENDED BALANCES OF  
9 APPROPRIATIONS, ALLOCATIONS, OR OTHER MONEY, MAY BE TRANSFERRED  
10 TO ANOTHER ENTITY AS SPECIFIED IN LAW.

11 **SECTION 3.** In Colorado Revised Statutes, **repeal** 24-1-129 as  
12 follows:

13 **24-1-129. Effect of transfer of powers, duties, and functions.**

14 ~~Any principal department to which powers, duties, and functions of any~~  
15 ~~existing department, institution, or other agency are transferred or any~~  
16 ~~division, section, or unit of any principal department to which such~~  
17 ~~powers, duties, and functions are allocated shall be the successor in every~~  
18 ~~way with respect to such powers, duties, and functions of the department,~~  
19 ~~institution, or other agency in which such powers, duties, and functions~~  
20 ~~were vested prior to July 1, 1968, except as otherwise provided by this~~  
21 ~~article. Every act performed in the exercise of such powers, duties, and~~  
22 ~~functions by or under the authority of the principal department or any~~  
23 ~~division, section, or unit thereof to which such powers, duties, and~~  
24 ~~functions are transferred or allocated by this article shall be deemed to~~  
25 ~~have the same force and effect as if performed by the department,~~  
26 ~~institution, or other agency in which such functions were vested prior to~~  
27 ~~July 1, 1968. When any such department, institution, or other agency is~~

1 referred to or designated by any law, contract, or other document, such  
2 reference or designation shall be deemed to apply to the principal  
3 department or the division, section, or unit thereof in which the powers,  
4 duties, and functions of such department, institution, or other agency so  
5 referred to or designated are vested by the provisions of this article.

6 <{*Department of State*}>

7 **SECTION 4.** In Colorado Revised Statutes, 24-1-111, **amend** (2)  
8 and (3) as follows:

9 **24-1-111. Department of state - creation.** (2) The department  
10 of state and the office of secretary of state, created by article IV of the  
11 state constitution, ~~and the powers, duties, and functions vested by law in~~  
12 ~~said department and said office are transferred by a type 2 transfer to the~~  
13 ~~department of state,~~ ARE **TYPE 2** ENTITIES AS DEFINED IN SECTION  
14 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM THEIR  
15 DUTIES AND FUNCTIONS AS VESTED BY LAW IN SAID DEPARTMENT AND  
16 OFFICE, subject to the state constitution.

17 (3) The department of state includes the electronic recording  
18 technology board established in section 24-21-402 (1). ~~and its powers,~~  
19 ~~duties, and functions, as if the board were transferred by a type 1 transfer,~~  
20 ~~as such transfer is defined in section 24-1-105~~ THE ELECTRONIC  
21 RECORDING TECHNOLOGY BOARD IS A **TYPE 1** ENTITY, AS DEFINED IN  
22 SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS  
23 DUTIES AND FUNCTIONS AS SPECIFIED BY LAW UNDER THE DEPARTMENT OF  
24 STATE.

25 **SECTION 5.** In Colorado Revised Statutes, 24-21-402, **amend**  
26 (1)(a) introductory portion as follows:

27 **24-21-402. Electronic recording technology board - creation**

1     **- enterprise status.** (1) (a) The electronic recording technology board is  
2     created in the department of state. THE BOARD IS A **TYPE 1** ENTITY, AS  
3     DEFINED IN SECTION 24-1-105. The board consists of the secretary of state,  
4     or his or her designee, and eight other members appointed as follows:

5     <{*Treasury*}>

6             **SECTION 6.** In Colorado Revised Statutes, 24-1-112, **amend** (2)  
7     as follows:

8             **24-1-112. Department of the treasury - creation.** (2) (a) The  
9     ~~powers, duties, and functions of the department of the treasury, created~~  
10    ~~by article 36 of this title, and the powers, duties, and functions vested by~~  
11    ~~law or the state constitution in the office of state treasurer are transferred~~  
12    ~~by a type 2 transfer to the department of the treasury, subject to the state~~  
13    ~~constitution.~~ THE DEPARTMENT OF THE TREASURY, CREATED BY ARTICLE  
14    36 OF THIS TITLE 24, IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105,  
15    AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
16    FUNCTIONS AS SPECIFIED BY LAW AND SUBJECT TO THE STATE  
17    CONSTITUTION.

18            (b) THE OFFICE OF THE STATE TREASURER IS A **TYPE 2** ENTITY, AS  
19    DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
20    PERFORM ITS DUTIES AND FUNCTIONS AS VESTED BY LAW OR THE STATE  
21    CONSTITUTION IN THE OFFICE, SUBJECT TO THE STATE CONSTITUTION.

22    <{*Department of Law*}>

23            **SECTION 7.** In Colorado Revised Statutes, 24-1-113, **amend** (2)  
24    as follows:

25            **24-1-113. Department of law - creation.** (2) Except as otherwise  
26    provided in this ~~article~~ ARTICLE 1 or by law: ~~the powers, duties, and~~  
27    ~~functions of the department of law, created by article 31 of this title, and~~



1 ~~all other powers, duties, and functions vested by law or the state~~  
2 ~~constitution in the office of attorney general are transferred by a type 2~~  
3 ~~transfer to the department of law, subject to the state constitution.~~

4 (a) THE DEPARTMENT OF LAW, CREATED BY ARTICLE 31 OF THIS  
5 TITLE 24, IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
6 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS  
7 SPECIFIED BY LAW AND SUBJECT TO THE STATE CONSTITUTION.

8 (b) THE OFFICE OF THE ATTORNEY GENERAL IS A **TYPE 2** ENTITY,  
9 AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
10 PERFORM ITS DUTIES AND FUNCTIONS AS VESTED IN THE OFFICE BY LAW OR  
11 THE STATE CONSTITUTION.

12 **SECTION 8.** In Colorado Revised Statutes, 24-31-302, **amend**  
13 (2) as follows:

14 **24-31-302. Creation of board.** (2) The P.O.S.T. board IS A **TYPE**  
15 **2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its powers  
16 and perform its duties and functions under the department of law. ~~as if~~  
17 ~~transferred to the department by a type 2 transfer, as such transfer is~~  
18 ~~defined in the "Administrative Organization Act of 1968", article 1 of this~~  
19 ~~title.~~

20 ~~<{*Higher Education*}~~

21 **SECTION 9.** In Colorado Revised Statutes, 24-1-114, **amend** (2),  
22 (3) introductory portion, (3)(b), (3)(c), (3)(d), and (6) as follows:

23 **24-1-114. Department of higher education - creation.** (2) The  
24 Colorado commission on higher education and the office of executive  
25 director ~~thereof~~ OF THE COMMISSION, created by article 1 of title 23,  
26 C.R.S., ~~and their powers, duties, and functions are transferred by a type~~  
27 ~~1 transfer to the department of higher education~~ ARE **TYPE 1** ENTITIES, AS

1     DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS AND  
2     PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
3     HIGHER EDUCATION.

4           (3) The department of higher education ~~shall include~~ INCLUDES  
5     the following divisions:

6           (b) THE state historical society, created by part 2 of article 80 of  
7     this title. ~~Its powers, duties, and functions, are transferred by a type 1~~  
8     ~~transfer to the department of higher education as a division thereof~~ TITLE  
9     24. THE STATE HISTORICAL SOCIETY IS A **TYPE 1** ENTITY, AS DEFINED IN  
10    SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS  
11    DUTIES AND FUNCTIONS AS A DIVISION OF THE DEPARTMENT OF HIGHER  
12    EDUCATION.

13          (c) The student loan division, created by article 3.1 of title 23.  
14    ~~C.R.S. The division and the director thereof shall exercise their powers~~  
15    ~~and perform their duties and functions as if transferred to the department~~  
16    ~~by a type 2 transfer~~ OFFICE OF THE DIRECTOR OF THE DIVISION ARE **TYPE**  
17    **2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE THEIR  
18    POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE  
19    DEPARTMENT OF HIGHER EDUCATION.

20          (d) The private occupational school division, created by article 64  
21    of title 23. The private occupational school board, created by section  
22    23-64-107, IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
23    shall exercise its powers and perform its duties and functions ~~as if~~  
24    ~~transferred to the department by a type 1 transfer~~ UNDER THE  
25    DEPARTMENT OF HIGHER EDUCATION. The division, except for the private  
26    occupational school board, and the OFFICE OF THE director ~~thereof~~ OF THE  
27    DIVISION ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND

1 shall exercise their powers and perform their duties and functions as if  
2 ~~transferred to the department by a type 2 transfer~~ UNDER THE  
3 DEPARTMENT OF HIGHER EDUCATION AND THE EXECUTIVE DIRECTOR OF  
4 THE DEPARTMENT.

5 (6) The office of state archaeologist, created by part 4 of article  
6 80 of this ~~title, and its powers, duties, and functions are transferred by a~~  
7 ~~type 2 transfer to the state historical society, as a section thereof.~~ TITLE  
8 24, IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL  
9 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS A  
10 SECTION WITHIN THE STATE HISTORICAL SOCIETY.

11 **SECTION 10.** In Colorado Revised Statutes, 23-1-102, **amend**  
12 (2) as follows:

13 **23-1-102. Commission established - terms of office.** (2) There  
14 is ~~hereby~~ established a central policy and coordinating board for higher  
15 education in the state of Colorado, to be known as the Colorado  
16 commission on higher education, referred to in this ~~article~~ ARTICLE 1 as  
17 the "commission". The duties and powers delegated to the commission by  
18 this ~~article~~ ARTICLE 1 apply to all state-supported institutions of higher  
19 education, including, but not limited to, all postsecondary institutions in  
20 the state supported in whole or part by state funds, and including  
21 community colleges, extension programs of the state-supported  
22 universities and colleges, local district colleges, area technical colleges,  
23 the Auraria higher education center established in article 70 of this ~~title~~  
24 TITLE 23, and specifically the regents of the university of Colorado and  
25 the institutions it governs. The governing boards and institutions of the  
26 public system of higher education in Colorado, including the university  
27 of Colorado, are obligated to conform to the policies set by the

1 commission within the authorities delegated to it in this ~~article~~ ARTICLE

2 1. THE COMMISSION IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

3 **SECTION 11.** In Colorado Revised Statutes, 23-3.1-103, **amend**  
4 (1) as follows:

5 **23-3.1-103. Division created - director - staff.** (1) ~~There is~~  
6 ~~hereby created~~ The student loan division AND THE OFFICE OF THE  
7 DIRECTOR OF THE DIVISION ARE CREATED in the department of higher  
8 education. ~~and the office of director of the division.~~ The division and the  
9 OFFICE OF THE director OF THE DIVISION ARE **TYPE 2** ENTITIES, AS DEFINED  
10 IN SECTION 24-1-105, AND shall exercise their powers and perform their  
11 DUTIES AND functions ~~under this article as if the same were transferred to~~  
12 ~~the department by a type 2 transfer~~ UNDER THE DEPARTMENT. The  
13 director of collegeinvest ~~shall be~~ IS the director of the division. The  
14 director, with the approval of the executive director of the commission,  
15 shall employ such professional and clerical personnel as deemed  
16 necessary to carry out the duties and functions of the division. The  
17 director and professional personnel ~~are declared to~~ hold educational  
18 offices and ~~to be~~ ARE exempt from the state personnel system.

19 **SECTION 12.** In Colorado Revised Statutes, 23-41-201, **amend**  
20 (1) as follows:

21 **23-41-201. Transfer of geological survey - memorandum of**  
22 **understanding - report.** (1) With the exception of the Colorado  
23 avalanche information center created pursuant to section 24-33-116,  
24 ~~C.R.S.~~, on January 31, 2013, the Colorado geological survey and the  
25 office of the state geologist and their powers, duties, and functions are  
26 transferred from the department of natural resources to the Colorado  
27 school of mines. ~~The Colorado school of mines shall exercise its powers~~

1 ~~and perform its functions and duties as if the geological survey and the~~  
2 ~~office of the state geologist were transferred to the Colorado school of~~  
3 ~~mines by a type 2 transfer.~~ THE COLORADO GEOLOGICAL SURVEY AND  
4 THE OFFICE OF THE STATE GEOLOGIST ARE **TYPE 2** ENTITIES, AS DEFINED IN  
5 SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM  
6 THEIR DUTIES AND FUNCTIONS UNDER THE COLORADO SCHOOL OF MINES.

7 **SECTION 13.** In Colorado Revised Statutes, **amend** 23-64-105  
8 as follows:

9 **23-64-105. Private occupational school division - creation.**

10 ~~There is hereby created~~ The private occupational school division AND THE  
11 OFFICE OF THE DIRECTOR OF THE DIVISION ARE CREATED in the department  
12 of higher education. ~~and the office of director of the division.~~ The  
13 division and the OFFICE OF THE director OF THE DIVISION ARE **TYPE 2**  
14 ENTITIES, AS DEFINED IN SECTION 24-1-105, AND shall exercise their  
15 powers and perform their duties and functions specified in this article 64  
16 under the department of higher education and the executive director  
17 ~~thereof as if the same were transferred to the department by a type 2~~  
18 ~~transfer as such transfer is defined in the "Administrative Organization~~  
19 ~~Act of 1968", article 1 of title 24~~ OF THE DEPARTMENT. The director ~~shall~~  
20 ~~be~~ IS appointed by the executive director. The director, with the approval  
21 of the executive director, shall employ such professional and clerical  
22 personnel as deemed necessary to carry out the duties and functions of the  
23 division. The director and professional personnel ~~are declared to hold~~  
24 educational offices and ~~to be~~ ARE exempt from the state personnel system.

25 **SECTION 14.** In Colorado Revised Statutes, 23-64-107, **amend**  
26 (2) as follows:

27 **23-64-107. Private occupational school board - established -**

1 **membership.** (2) Effective July 1, 1998, there is established, in the  
2 private occupational school division, the private occupational school  
3 board that shall advise the director on the administration of this article 64  
4 and ~~shall have~~ HAS the powers and duties specified in section 23-64-108.  
5 The board IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
6 shall exercise its powers and perform its duties and functions AS specified  
7 in this article 64. ~~as if the same were transferred to the department of~~  
8 ~~higher education by a **type 1** transfer, as such transfer is defined in the~~  
9 ~~"Administrative Organization Act of 1968", article 1 of title 24.~~

10 **SECTION 15.** In Colorado Revised Statutes, **amend** 24-80-201  
11 as follows:

12 **24-80-201. Society an educational institution.** The state  
13 historical society, an incorporated organization, is ~~hereby declared to be~~  
14 one of the educational institutions of the state of Colorado. The state  
15 historical society ~~exercises~~ IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
16 24-1-105, AND SHALL EXERCISE its powers AND PERFORM ITS duties and  
17 functions under the department of higher education. ~~as if it were~~  
18 ~~transferred to the department by a **type 1** transfer under the provisions of~~  
19 ~~the "Administrative Organization Act of 1968", article 1 of this title.~~

20 **SECTION 16.** In Colorado Revised Statutes, **amend** 24-80-403  
21 as follows:

22 **24-80-403. Office of state archaeologist - purpose.** ~~There is~~  
23 ~~hereby established~~ The office of state archaeologist ~~which shall be~~ IS  
24 ESTABLISHED AS a section within the society in the department of higher  
25 education. THE OFFICE OF STATE ARCHAEOLOGIST IS A **TYPE 2** ENTITY, AS  
26 DEFINED IN SECTION 24-1-105. The purpose of the office of state  
27 archaeologist ~~shall be~~ IS to coordinate, encourage, and preserve by the use

1 of appropriate means the full understanding of this state's archaeological  
2 resources as the same pertain to ~~man's~~ HUMANKIND'S cultural heritage, the  
3 study and understanding of which within the state of Colorado will result  
4 in an ultimate benefit to the citizens of this state.

5 <{Department of education}>

6 SECTION 17. In Colorado Revised Statutes, 24-1-115, **amend**  
7 (2), (3), (4), (5), (8), (9), (10), (11), (12), (13), (14), (15), and (16) as  
8 follows:

9 24-1-115. **Department of education - creation.** (2) The state  
10 board of education, created by part 1 of article 2 of title 22, C.R.S., and  
11 ~~its powers, duties, and functions are transferred by a type 1 transfer to the~~  
12 ~~department of education~~ IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
13 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
14 FUNCTIONS SUBJECT TO THE STATE CONSTITUTION.

15 <{CDE: The state constitution governs many aspects and units of the  
16 department of education. Anything that is a type 1 entity must also  
17 comply with the state constitution, so that is why the language says  
18 "subject to the state constitution". Anything that is a type 2 entity can  
19 be said to act "under the department", but type 1 entities probably  
20 should not. Please check these to make sure they are correct.>

21 (3) The state department of education and the office of the  
22 commissioner of education, created by part 1 of article 2 of title 22,  
23 C.R.S., and ~~their powers, duties, and functions are transferred by a type~~  
24 ~~2 transfer to the department of education, subject to the state constitution,~~  
25 ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL  
26 EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS  
27 UNDER THE DEPARTMENT OF EDUCATION, SUBJECT TO THE STATE

1 CONSTITUTION.

2 (4) The department of education ~~shall include~~ INCLUDES the state  
3 library, the ex officio head of which ~~shall be~~ IS the commissioner of  
4 education. The state library, created by article 90 of this title ~~and its~~  
5 ~~powers, duties, and functions are transferred by a type 2 transfer to the~~  
6 ~~department of education as a division thereof~~ TITLE 24, IS A **TYPE 2**  
7 ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS  
8 POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
9 DEPARTMENT OF EDUCATION AS A DIVISION THEREOF, AND THE  
10 COMMISSIONER OF EDUCATION, AND THE STATE BOARD OF EDUCATION.

11 (5) The POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF  
12 EDUCATION AND THE STATE BOARD OF EDUCATION INCLUDE THE POWERS,  
13 DUTIES, AND FUNCTIONS OF THE state board of teacher certification,  
14 created by article 1 of chapter 123, C.R.S. 1963, ~~and its powers, duties,~~  
15 ~~and functions are transferred by a type 3 transfer to the department of~~  
16 ~~education as additional powers, duties, and functions of the state board of~~  
17 ~~education~~, and the state board of teacher certification is abolished.

18 (8) The DEPARTMENT OF EDUCATION INCLUDES THE Colorado  
19 school for the deaf and the blind, as provided for in article 80 of title 22,  
20 C.R.S., ~~and its powers, duties, and functions are transferred by a type 1~~  
21 ~~transfer to the department of education~~ AND THE BOARD OF TRUSTEES OF  
22 THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, CREATED IN  
23 SECTION 22-80-103. THE COLORADO SCHOOL FOR THE DEAF AND THE  
24 BLIND AND THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL FOR THE  
25 DEAF AND THE BLIND ARE **TYPE 1** ENTITIES, AS DEFINED IN SECTION  
26 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM THEIR  
27 DUTIES AND FUNCTIONS SUBJECT TO THE STATE CONSTITUTION.



1           (9) The department of education ~~shall include~~ INCLUDES the state  
2 charter school institute established in section 22-30.5-503. ~~C.R.S., and its~~  
3 ~~powers, duties, and functions, as if the institute were transferred by a type~~  
4 ~~1 transfer to the department of education~~ THE STATE CHARTER SCHOOL  
5 INSTITUTE IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
6 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS  
7 SUBJECT TO THE STATE CONSTITUTION.

8           (10) The department of education ~~shall include~~ INCLUDES the  
9 division of online learning AND THE OFFICE OF THE DIRECTOR OF THE  
10 DIVISION established in section 22-30.7-103. ~~C.R.S., and its powers,~~  
11 ~~duties, and functions, as if the division were transferred by is a type 2~~  
12 ~~transfer to the department of education~~ THE DIVISION OF ONLINE  
13 LEARNING AND THE OFFICE OF THE DIRECTOR OF THE DIVISION ARE **TYPE**  
14 **2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE THEIR  
15 POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE  
16 DEPARTMENT, THE COMMISSIONER OF EDUCATION, AND THE STATE BOARD  
17 OF EDUCATION.

18           (11) (a) The department of education ~~shall include~~ INCLUDES the  
19 division of public school capital construction assistance AND THE  
20 DIRECTOR OF THE DIVISION established in section 22-43.7-105. ~~C.R.S., and~~  
21 ~~its powers, duties, and functions, as if the division were transferred by is~~  
22 ~~a type 2 transfer to the department of education~~ THE DIVISION OF PUBLIC  
23 SCHOOL CAPITAL CONSTRUCTION AND THE DIRECTOR OF THE DIVISION ARE  
24 **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE  
25 THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE  
26 DEPARTMENT OF EDUCATION.

27           (b) The department of education ~~shall include~~ INCLUDES the public

1 school capital construction assistance board established in section  
2 22-43.7-106. ~~C.R.S., and its powers, duties, and functions, as if the board~~  
3 ~~were transferred by a type 1 transfer to the department of education~~ THE  
4 PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD IS A **TYPE 1**  
5 ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS  
6 POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
7 DEPARTMENT AND SUBJECT TO THE STATE CONSTITUTION.

8 (12) The department of education ~~shall include~~ INCLUDES the  
9 facility schools unit AND THE OFFICE OF THE DIRECTOR OF THE FACILITY  
10 SCHOOLS UNIT established in section 22-2-403. ~~C.R.S., and its powers,~~  
11 ~~duties, and functions, as if the unit were transferred by a type 2 transfer~~  
12 ~~to the department of education~~ THE FACILITY SCHOOLS UNIT AND THE  
13 OFFICE OF THE DIRECTOR OF THE FACILITY SCHOOLS UNIT ARE **TYPE 2**  
14 ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE THEIR  
15 POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE  
16 DEPARTMENT, THE COMMISSIONER OF EDUCATION, AND THE STATE BOARD  
17 OF EDUCATION.

18 (13) The department of education ~~shall include~~ INCLUDES the  
19 facility schools board established in section 22-2-404. ~~C.R.S., and its~~  
20 ~~powers, duties, and functions, as if the board were transferred by a type~~  
21 ~~1 transfer to entity the department of education~~ THE FACILITY SCHOOLS  
22 BOARD IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL  
23 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS SUBJECT  
24 TO THE STATE CONSTITUTION.

25 (14) The department of education ~~shall include~~ INCLUDES the  
26 Colorado state advisory council for parent involvement in education  
27 created in section 22-7-303. ~~C.R.S., and its powers, duties, and functions,~~

1 ~~as if the council were transferred by a type 2 transfer to the department~~  
2 ~~of education~~ THE COLORADO STATE ADVISORY COUNCIL FOR PARENT  
3 INVOLVEMENT IN EDUCATION IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
4 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
5 FUNCTIONS UNDER THE DEPARTMENT OF EDUCATION, THE COMMISSIONER  
6 OF EDUCATION, AND THE STATE BOARD OF EDUCATION.

7 (15) The department of education ~~shall include~~ INCLUDES the  
8 office of dropout prevention and student re-engagement AND THE  
9 DIRECTOR OF THE OFFICE, established in section 22-14-103. ~~C.R.S., and~~  
10 ~~its powers, duties, and functions, as if the office were transferred by a~~  
11 ~~type 2 transfer to the department of education~~ THE OFFICE OF DROPOUT  
12 PREVENTION AND STUDENT RE-ENGAGEMENT AND THE DIRECTOR OF THE  
13 OFFICE ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL  
14 EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS  
15 UNDER THE DEPARTMENT OF EDUCATION, THE COMMISSIONER OF  
16 EDUCATION, AND THE STATE BOARD OF EDUCATION.

17 (16) The department of education ~~shall include~~ INCLUDES the  
18 concurrent enrollment advisory board created in section 22-35-107.  
19 ~~C.R.S., and its powers, duties, and functions, as if the board were~~  
20 ~~transferred by a type 2 transfer to the department of education~~ THE  
21 CONCURRENT ENROLLMENT ADVISORY BOARD IS A **TYPE 2** ENTITY, AS  
22 DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
23 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
24 EDUCATION, THE COMMISSIONER OF EDUCATION, AND THE STATE BOARD.

25 **SECTION 18.** In Colorado Revised Statutes, 22-2-106, **amend**  
26 (1) introductory portion as follows:

27 **22-2-106. State board - duties - rules.** (1) THE STATE BOARD IS

1 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. It is the duty of the  
2 state board:

3 **SECTION 19.** In Colorado Revised Statutes, 22-2-110, **amend**  
4 (2) as follows:

5 **22-2-110. Commissioner of education - oath - qualifications -**  
6 **tenure.** (2) The STATE BOARD SHALL APPOINT THE commissioner ~~shall be~~  
7 ~~appointed by the state board, serve~~ WHO SHALL SERVE at the pleasure of  
8 the board, and receive such compensation as may be determined by the  
9 board. THE COMMISSIONER IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
10 24-1-105.

11 **SECTION 20.** In Colorado Revised Statutes, 22-2-403, **amend**  
12 (2) as follows:

13 **22-2-403. Facility schools unit - created.** (2) The facility  
14 schools unit and the office of the director of facility schools shall exercise  
15 their powers and perform their duties and functions under the department,  
16 the commissioner of education, and the state board of education. ~~as if the~~  
17 ~~same were transferred to the department by a type 2 transfer as defined~~  
18 ~~in the "Administrative Organization Act of 1968", article 1 of title 24,~~  
19 ~~C.R.S.~~ THE FACILITY SCHOOLS UNIT AND THE OFFICE OF THE DIRECTOR OF  
20 FACILITY SCHOOLS ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
21 24-1-105.

22 **SECTION 21.** In Colorado Revised Statutes, 22-2-404, **amend**  
23 (1) as follows:

24 **22-2-404. Facility schools board - created - membership.**  
25 (1) There is ~~hereby~~ created the facility schools board to adopt curriculum  
26 standards and set graduation requirements for facility schools and to  
27 collaborate with and advise the unit. The facility schools board ~~shall~~

1 ~~consist~~ CONSISTS of seven members appointed by the state board as  
2 provided in this section. The state board shall appoint the initial members  
3 of the facility schools board on or before November 1, 2008. The facility  
4 schools board IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
5 shall exercise its powers and perform its duties and functions ~~as if the~~  
6 ~~same were transferred to the department by a type 1 transfer as defined~~  
7 ~~in the "Administrative Organization Act of 1968", article 1 of title 24,~~  
8 ~~C.R.S.~~ SUBJECT TO THE STATE CONSTITUTION.

9           **SECTION 22.** In Colorado Revised Statutes, 22-7-303, **amend**  
10 (1) as follows:

11           **22-7-303. Colorado state advisory council for parent**  
12 **involvement in education - created - membership.** (1) There is hereby  
13 created ~~within~~ IN the department of education the Colorado state advisory  
14 council for parent involvement in education. The council ~~shall consist~~  
15 CONSISTS of members appointed as provided in this section and ~~shall have~~  
16 HAS the powers and duties specified in this part 3. The council IS A **TYPE**  
17 **2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its powers  
18 and perform its duties and functions under the department, the  
19 commissioner of education, and the state board of education. ~~as if the~~  
20 ~~same were transferred to the department by a type 2 transfer as defined~~  
21 ~~in the "Administrative Organization Act of 1968", article 1 of title 24,~~  
22 ~~C.R.S.~~

23           **SECTION 23.** In Colorado Revised Statutes, 22-14-103, **amend**  
24 (1)(b) as follows:

25           **22-14-103. Office of dropout prevention and student**  
26 **re-engagement - created - purpose - duties.** (1) (b) The office of  
27 dropout prevention and student re-engagement and the director of the

1 office ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND shall  
2 exercise their powers and perform their duties and functions under the  
3 department of education, the commissioner of education, and the state  
4 board of education. ~~as if the same were transferred to the department of~~  
5 ~~education by a **type 2** transfer as defined in the "Administrative~~  
6 ~~Organization Act of 1968", article 1 of title 24, C.R.S.~~

7 **SECTION 24.** In Colorado Revised Statutes, 22-30.5-503,  
8 **amend** (1)(a) as follows:

9 **22-30.5-503. State charter school institute - establishment -**  
10 **rules.** (1) (a) There is established, as an independent agency in the  
11 department of education, the state charter school institute. The institute  
12 IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise  
13 its powers and perform its duties and functions ~~as if it were transferred to~~  
14 ~~the department by a **type 1** transfer under the provisions of the~~  
15 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~  
16 SUBJECT TO THE STATE CONSTITUTION.

17 **SECTION 25.** In Colorado Revised Statutes, 22-30.7-103,  
18 **amend** (1)(b) as follows:

19 **22-30.7-103. Division of online learning - created - duties -**  
20 **report.** (1) **Creation.** (b) The division of online learning and the office  
21 of the director ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105,  
22 AND shall exercise their powers and perform their duties and functions  
23 under the department, the commissioner of education, and the state board  
24 of education. ~~as if the same were transferred to the department by a **type**~~  
25 ~~**2** transfer, as such transfer is defined in the "Administrative Organization~~  
26 ~~Act of 1968", article 1 of title 24, C.R.S.~~

27 **SECTION 26.** In Colorado Revised Statutes, 22-35-107, **amend**

1 (1) as follows:

2 **22-35-107. Concurrent enrollment advisory board - created -**  
3 **membership - duties - reports - repeal.** (1) There is ~~hereby~~ created  
4 ~~within~~ IN the department the concurrent enrollment advisory board. The  
5 board ~~shall consist~~ CONSISTS of members appointed as provided in this  
6 section and ~~shall have~~ HAS the powers and duties specified in this section.  
7 The board IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
8 shall exercise its powers and perform its duties and functions under the  
9 department, the commissioner of education, and the state board. ~~as if the~~  
10 ~~same were transferred to the department by a type 2 transfer as defined~~  
11 ~~in the "Administrative Organization Act of 1968", article 1 of title 24,~~  
12 ~~C.R.S.~~

13 **SECTION 27.** In Colorado Revised Statutes, 22-43.7-105,  
14 **amend** (1)(b) as follows:

15 **22-43.7-105. Division of public school capital construction**  
16 **assistance - creation - director - function - powers and duties.**  
17 (1) (b) The division and the director of the division ARE **TYPE 2** ENTITIES,  
18 AS DEFINED IN SECTION 24-1-105, AND shall exercise their powers and  
19 perform their duties and functions under the department. ~~as if the same~~  
20 ~~were transferred to the department by a type 2 transfer, as such transfer~~  
21 ~~is defined in the "Administrative Organization Act of 1968", article 1 of~~  
22 ~~title 24, C.R.S.~~

23 **SECTION 28.** In Colorado Revised Statutes, 22-43.7-106,  
24 **amend** (1)(a) introductory portion as follows:

25 **22-43.7-106. Public school capital construction assistance**  
26 **board - creation - general powers and duties - rules.** (1) (a) There is  
27 ~~hereby~~ created ~~within~~ IN the department the public school capital

1 construction assistance board. ~~which~~ THE BOARD IS A **TYPE 1** ENTITY, AS  
2 DEFINED IN SECTION 24-1-105, AND shall exercise its powers and perform  
3 its duties and functions **under the department**, ~~as if the same were~~  
4 ~~transferred to the department by a type 1 transfer, as such transfer is~~  
5 ~~defined in the "Administrative Organization Act of 1968", article 1 of title~~  
6 ~~24, C.R.S.~~ SUBJECT TO THE STATE CONSTITUTION. The board ~~shall consist~~  
7 CONSISTS of nine appointed members, none of whom shall hold any state  
8 elective office. Five voting members of the board ~~shall~~ constitute a  
9 quorum. Board members ~~shall be~~ ARE appointed as follows:

10 **SECTION 29.** In Colorado Revised Statutes, 22-80-103, **amend**  
11 (1)(a) as follows:

12 **22-80-103. Board of trustees - appointments - powers - duties**  
13 **- fund created.** (1) (a) There is ~~hereby created by a type 1 transfer~~ in the  
14 department of education a board of trustees for the Colorado school for  
15 the deaf and the blind. THE BOARD OF TRUSTEES IS A **TYPE 1** ENTITY, AS  
16 DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
17 PERFORM ITS DUTIES AND FUNCTIONS SUBJECT TO THE STATE  
18 CONSTITUTION. The board of trustees ~~shall consist~~ CONSISTS of seven  
19 members who are residents of Colorado, appointed by the governor with  
20 the consent of the senate. Of these seven members, at least one appointee  
21 ~~shall~~ MUST be a blind person and at least one appointee ~~shall~~ MUST be a  
22 deaf person. Beginning with the first appointment made on or after  
23 August 5, 2009, the governor shall ensure that, of the seven members of  
24 the board of trustees, at least one appointee is the parent of a child who  
25 is deaf or blind or both.

26 **SECTION 30.** In Colorado Revised Statutes, 24-90-104, **amend**  
27 (1) as follows:



1           **24-90-104. State library created - administration.** (1) The state  
2       library is ~~hereby~~ created as a division of the department of education, and  
3       its operation is declared to be an essential administrative function of the  
4       state government. THE STATE LIBRARY IS A **TYPE 2** ENTITY, AS DEFINED IN  
5       SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS  
6       DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF EDUCATION, THE  
7       COMMISSIONER OF EDUCATION, AND THE STATE BOARD OF EDUCATION.

8       <{*Department of Revenue*}>

9           **SECTION 31.** In Colorado Revised Statutes, 24-1-117, **amend**  
10       (2), (3), (4)(a) introductory portion, (4)(a)(IV), (4)(a)(V), (4)(a)(VI),  
11       (4)(a)(VII), (4)(a)(X), and (4)(a)(XI) as follows:

12           **24-1-117. Department of revenue - creation.** (2) The  
13       department of revenue and the office of THE EXECUTIVE director of THE  
14       DEPARTMENT OF revenue ARE created by article 35 of this title, ~~and their~~  
15       ~~powers, duties, and functions are transferred by a type 2 transfer to the~~  
16       ~~department of revenue~~ TITLE 24. THE EXECUTIVE DIRECTOR OF THE  
17       DEPARTMENT OF REVENUE IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
18       24-1-105, AND SHALL EXERCISE THE DIRECTOR'S POWERS AND PERFORM  
19       THE DIRECTOR'S DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
20       REVENUE.

21           (3) The powers, duties, and functions of the ~~secretary of state~~  
22       DEPARTMENT OF REVENUE AND THE LIQUOR ENFORCEMENT DIVISION,  
23       WHICH IS CREATED IN SUBSECTION (4)(a) OF THIS SECTION, INCLUDE THE  
24       POWERS, DUTIES, AND FUNCTIONS with respect to fermented malt  
25       beverages and malt, vinous, and spirituous liquors ~~under~~ PURSUANT TO  
26       the provisions of articles 3, 4, and 5 of title 44 ~~are transferred by a type~~  
27       **2 transfer to the department of revenue** THAT WERE FORMERLY VESTED IN

1 THE SECRETARY OF STATE.

2 (4) (a) The department of revenue ~~shall consist~~ CONSISTS of the  
3 following divisions:

4 (IV) THE liquor enforcement division, WHICH IS A **TYPE 2** ENTITY,  
5 AS DEFINED IN SECTION 24-1-105;

6 (V) THE state lottery division, INCLUDING THE COLORADO  
7 LOTTERY COMMISSION CREATED IN SECTION 44-40-108, AND THE  
8 DIRECTOR OF THE STATE LOTTERY DIVISION, CREATED IN SECTION  
9 44-40-102, WHICH ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105;

10 (VI) THE division of racing events ~~including~~ CREATED IN SECTION  
11 44-32-201 (1), THE DIRECTOR OF THE DIVISION OF RACING EVENTS, AND  
12 the Colorado racing commission, CREATED IN SECTION 44-32-301 (1),  
13 WHICH ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105;

14 (VII) THE division of gaming ~~including~~ CREATED IN SECTION  
15 44-30-201, THE DIRECTOR OF THE DIVISION OF GAMING, AND the Colorado  
16 limited gaming control commission, CREATED IN SECTION 44-30-301,  
17 WHICH ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

18 (X) The auto industry division, created in ~~section 12-6-105~~  
19 SECTION 44-20-105. The division IS A **TYPE 2** ENTITY, AS DEFINED IN  
20 SECTION 24-1-105, AND shall exercise its powers and perform its duties  
21 and functions under the department of revenue; ~~as if the division were~~  
22 ~~transferred to the department by a type 2 transfer as described in section~~  
23 ~~24-1-105;~~ AND

24 (XI) THE STATE LICENSING AUTHORITY CREATED IN SECTION  
25 44-10-201, WHICH IS A TYPE   ENTITY AS DEFINED IN SECTION 24-1-105.

26 <{**DOR, does the state licensing authority currently operate as a type 1**  
27 **or type 2 entity? Section 44-10-201 does not specify. Do you want to**

1 *specify the type in section 44-10-201?*>

2 **SECTION 32.** In Colorado Revised Statutes, 24-35-102, **amend**  
3 (1) as follows:

4 **24-35-102. Executive director - annual report.** (1) There is  
5 ~~hereby~~ created the office of the executive director of the department of  
6 revenue, who ~~shall be~~ IS the head of the department. The executive  
7 director shall be appointed by the governor, with the consent of the  
8 senate, and shall serve at the pleasure of the governor. The reappointment  
9 of an executive director after initial election of a governor shall be subject  
10 to ~~the provisions of~~ section 24-20-109. Whenever any law of this state  
11 refers to the director of revenue, such law shall be deemed to refer to the  
12 executive director of the department of revenue. THE EXECUTIVE  
13 DIRECTOR OF THE DEPARTMENT OF REVENUE IS A **TYPE 2** ENTITY, AS  
14 DEFINED IN SECTION 24-1-105.

15 **SECTION 33.** In Colorado Revised Statutes, 44-20-105, **amend**  
16 (1) as follows:

17 **44-20-105. Auto industry division - creation - powers and**  
18 **duties of executive director and director.** (1) There is ~~hereby~~ created  
19 in the department the auto industry division, the head of which is the  
20 director of the division. The director is appointed by the executive  
21 director and serves at the pleasure of the executive director. The division  
22 IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise  
23 its powers and perform its duties and functions under the department. ~~as~~  
24 ~~if the division were transferred to the department by a type 2 transfer~~  
25 ~~entity, as described in section 24-1-105.~~

26 **SECTION 34.** In Colorado Revised Statutes, 44-30-201, **amend**  
27 (1) as follows:

1           **44-30-201. Division of gaming - creation.** (1) There is hereby  
2 created ~~within~~ IN the department the division of gaming, the head of  
3 which is the director of the division of gaming. The director is appointed  
4 by, and ~~is subject to removal~~ MAY BE REMOVED by, the executive director.  
5 The division of gaming, the Colorado limited gaming control commission  
6 created in section 44-30-301, and the director of the division of gaming  
7 ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND shall exercise  
8 their respective powers and perform their respective duties and functions  
9 as specified in this article 30 under the department; ~~as if they were~~  
10 ~~transferred to the department by a type 2 transfer, as the transfer is~~  
11 ~~defined in the "Administrative Organization Act of 1968", article 1 of title~~  
12 ~~24;~~ except that the commission has full and exclusive authority to  
13 promulgate rules related to limited gaming and sports betting without any  
14 approval by, or delegation of authority from, the department.  
15 Notwithstanding any provision of this subsection (1) to the contrary,  
16 sports betting is not authorized unless the voters at the November 2019  
17 statewide election approve the ballot question submitted pursuant to  
18 section 44-30-1514, enacted in 2019 in House Bill 19-1327. <{**DOR:**  
19 **This is an exception to the normal type 2 powers - should it be**  
20 **mentioned in 24-1-117?**>

21           **SECTION 35.** In Colorado Revised Statutes, 44-32-201, **amend**  
22 (1) as follows:

23           **44-32-201. Division of racing events - creation - representation**  
24 **- rules.** (1) ~~There~~ THE DIVISION OF RACING EVENTS is hereby created  
25 ~~within~~ IN the department, ~~the division of racing events~~, the head of which  
26 ~~shall be~~ IS the director of the division of racing events. The director ~~shall~~  
27 ~~be~~ IS appointed by, and ~~shall be subject to removal~~ MAY BE REMOVED by,

1 the executive director. The division of racing events, the Colorado racing  
2 commission created in section 44-32-301, and the director of the division  
3 of racing events ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105,  
4 AND shall exercise their respective powers and perform their respective  
5 duties and functions as specified in this article 32 under the department;  
6 as if the same were transferred to the department by a **type 2** transfer, as  
7 such transfer is defined in the "Administrative Organization Act of 1968",  
8 article 1 of title 24; except that the commission ~~shall have~~ HAS full and  
9 exclusive authority to promulgate rules related to racing without any  
10 approval by, or delegation of authority from, the department. <{**DOR:**  
11 **This is an exception to the normal type 2 powers - should it be**  
12 **mentioned in 24-1-117?**>

13 **SECTION 36.** In Colorado Revised Statutes, 44-40-102, **amend**  
14 (2) as follows:

15 **44-40-102. State lottery division - creation - location -**  
16 **enterprise status.** (2) The state lottery division, including the Colorado  
17 lottery commission created in section 44-40-108, and the director of the  
18 state lottery division ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
19 24-1-105, AND shall exercise their powers and perform their duties and  
20 functions specified in this article 40 under the department; as if the same  
21 were transferred to the department by a **type 2** transfer, as that transfer is  
22 defined in the "Administrative Organization Act of 1968", article 1 of title  
23 24; except that the commission ~~shall have~~ HAS full and exclusive  
24 authority to promulgate rules related to the lottery without any approval  
25 by, or delegation of authority from, the department. <{**DOR: This is an**  
26 **exception to the normal type 2 powers - should it be mentioned in**  
27 **24-1-117?**>

1           **SECTION 37.** In Colorado Revised Statutes, 44-40-109, **amend**  
2     (1) introductory portion and (1)(a) as follows:

3           **44-40-109. Commission - powers and duties - rules.** (1) In  
4     addition to any other powers and duties set forth in this article 40, the  
5     commission ~~shall have~~ HAS the following powers and duties:

6           (a) To promulgate rules governing the establishment and  
7     operation of the lottery as it deems necessary to carry out the purposes of  
8     this article 40. The director shall prepare and submit to the commission  
9     written recommendations concerning proposed rules for this purpose.

10    ALTHOUGH THE COMMISSION IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
11    24-1-105, THE COMMISSION HAS FULL AND EXCLUSIVE AUTHORITY TO  
12    PROMULGATE RULES RELATED TO THE LOTTERY WITHOUT ANY APPROVAL  
13    BY, OR DELEGATION OF AUTHORITY FROM, THE DEPARTMENT. <{**DOR:**  
14    **Should this language be added? If so, this is an exception to the normal**  
15    **type 2 powers. Should it be mentioned in 24-1-117?**>

16    <{**Colorado department of public health and environment**>

17           **SECTION 38.** In Colorado Revised Statutes, 24-1-119, **amend**  
18     (2), (3), (5) introductory portion, (5)(a), (5)(c), (6) introductory portion,  
19     (6)(a), (6)(b), (6)(d), (7)(a), (7)(c), (8), (11), and (12); and **add** (13) and  
20     (14) as follows:

21           **24-1-119. Department of public health and environment -**  
22     **creation.** (2) The state board of health, created by IN part 1 of article 1  
23     of title 25, C.R.S., and its powers duties and functions are transferred by  
24     a **type 1** transfer to in the department of public health and environment  
25     as the state board of health. IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
26     24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
27     FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC HEALTH AND

1 ENVIRONMENT.

2 (3) The ~~state~~ water quality control commission, created ~~by~~ IN part  
3 2 of article 8 of title 25, ~~C.R.S.~~, and ~~type 1~~ entity, as defined in section  
4 ~~24-1-105~~, and ~~shall exercise its powers duties and functions are~~  
5 ~~transferred by~~ IS a ~~type 1~~ transfer to the department of public health and  
6 ~~environment as the state water quality control commission~~ IS A **TYPE 1**  
7 ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS  
8 POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
9 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. Anything in this  
10 ~~article~~ ARTICLE 1 to the contrary notwithstanding, the state board of health  
11 ~~shall have~~ HAS no powers, duties, or functions with respect to water  
12 pollution control. <{*CDPHE: The name in section 25-8-201 (1)(a) does*  
13 *not include "state."*}>

14 (5) The department of public health and environment ~~shall consist~~  
15 CONSISTS of the following divisions:

16 (a) THE division of administration. The division of administration,  
17 created ~~by~~ IN part 1 of article 1 of title 25, ~~C.R.S.~~, except for the office of  
18 the executive director of the state department of public health, and ~~its~~  
19 ~~powers, duties, and functions are transferred by a type 2 transfer to the~~  
20 ~~department of public health and environment as the division of~~  
21 ~~administration~~ IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
22 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS  
23 UNDER THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

24 (c) The prevention services division, created in article 20.5 of title  
25 25, ~~C.R.S.~~ WHICH IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

26 (6) The division of administration ~~shall include~~ INCLUDES the  
27 following:

1 (a) The office of state chemist, created by IN part 4 of article 1 of  
2 title 25. ~~C.R.S. Said office and its powers, duties, and functions are~~  
3 ~~transferred by a type 2 transfer to the department of public health and~~  
4 ~~environment and allocated to the division of administration as a section~~  
5 ~~thereof~~ THE OFFICE OF THE STATE CHEMIST IS A **TYPE 2** ENTITY, AS  
6 DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
7 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC  
8 HEALTH AND ENVIRONMENT AS A SECTION OF THE DIVISION OF  
9 ADMINISTRATION.

10 (b) The office of state registrar of vital statistics, created by IN  
11 article 2 of title 25. ~~C.R.S. Said office and its powers, duties, and~~  
12 ~~functions are transferred by a type 2 transfer to the department of public~~  
13 ~~health and environment and allocated to the division of administration as~~  
14 ~~a section thereof~~ THE OFFICE OF STATE REGISTRAR OF VITAL STATISTICS  
15 IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL  
16 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER  
17 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AS A SECTION OF  
18 THE DIVISION OF ADMINISTRATION.

19 (d) The ~~plant~~ WATER AND WASTEWATER FACILITY operators  
20 certification board, created by ~~article 9 of title 25, C.R.S.~~ IN SECTION  
21 25-9-103. THE WATER AND WASTEWATER FACILITY OPERATORS  
22 CERTIFICATION BOARD IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
23 24-1-105. <{*HB 00-1431 changed the name of the board to water and*  
24 *wastewater facility operators certification board - this aligns the*  
25 *name.*}>

26 (7) (a) The air quality control commission, created by IN part 1 of  
27 article 7 of title 25, C.R.S., ~~shall exercise its powers and perform its~~



1 ~~duties and functions as if the same were transferred by a type 1 transfer~~  
2 ~~to the department of public health and environment~~ IS A **TYPE 1** ENTITY,  
3 AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
4 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC  
5 HEALTH AND ENVIRONMENT. Anything in this ~~article~~ ARTICLE 1 to the  
6 contrary notwithstanding, the state board of health ~~shall have~~ HAS no  
7 powers, duties, or functions with respect to air pollution other than as  
8 provided in section 25-7-111 (1). ~~C.R.S.~~

9 (c) The ~~office of~~ technical secretary OF THE AIR QUALITY CONTROL  
10 COMMISSION, created by IN part 1 of article 7 of title 25, ~~C.R.S.~~, ~~shall~~  
11 ~~exercise its powers and perform its duties and functions as if the same~~  
12 ~~were transferred by a type 1 transfer to the department of public health~~  
13 ~~and environment and allocated to the air quality control commission~~ IS A  
14 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. THE TECHNICAL  
15 SECRETARY OF THE AIR QUALITY CONTROL COMMISSION SHALL EXERCISE  
16 ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
17 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND IS ALLOCATED  
18 TO THE AIR QUALITY CONTROL COMMISSION. <{**CDPHE: In the organic**  
19 **statute, this position is referred to as the "technical secretary". Please**  
20 **make sure these changes are OK.**>

21 (8) The solid and hazardous waste commission, created in part 3  
22 of article 15 of title 25, ~~C.R.S.~~, ~~shall exercise its powers and perform its~~  
23 ~~duties and functions as if the same were transferred by a type 1 transfer~~  
24 ~~to the department of public health and environment~~ IS A **TYPE 1** ENTITY,  
25 AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
26 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC  
27 HEALTH AND ENVIRONMENT.

1 (11) The office of health equity AND THE DIRECTOR OF THE OFFICE,  
2 created by section 25-4-2204, ~~C.R.S., shall exercise its powers and~~  
3 ~~perform its duties and functions as if the same were transferred by a type~~  
4 ~~2 transfer to the department of public health and environment~~ ARE **TYPE**  
5 **2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE THEIR  
6 POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE  
7 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

8 (12) The primary care office AND THE DIRECTOR OF THE OFFICE,  
9 created by part 4 of article 1.5 of title 25, ~~C.R.S., shall exercise its powers~~  
10 ~~and perform its duties and functions as if it were transferred by a type 2~~  
11 ~~transfer to the department of public health and environment~~ ARE **TYPE 2**  
12 ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE THEIR  
13 POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE  
14 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

15 (13) THE COLORADO CORONERS STANDARDS AND TRAINING  
16 BOARD, CREATED BY SECTION 30-10-601.6, IS A **TYPE 2** ENTITY, AS  
17 DEFINED IN SECTION 24-1-105.

18 (14) THE EMERGENCY MEDICAL PRACTICE ADVISORY COUNCIL,  
19 CREATED BY SECTION 25-3.5-206, IS A **TYPE 2** ENTITY, AS DEFINED IN  
20 SECTION 24-1-105.

21 **SECTION 39.** In Colorado Revised Statutes, 25-1-102, **amend**  
22 (2) introductory portion and (2)(a) as follows:

23 **25-1-102. Department created - executive director - divisions.**

24 (2) The department ~~shall consist~~ CONSISTS of the following divisions:

25 (a) The division of administration, and such sections and units  
26 established as provided by law. THE DIVISION IS A **TYPE 2** ENTITY, AS  
27 DEFINED IN SECTION 24-1-105.

1           **SECTION 40.** In Colorado Revised Statutes, 25-1-103, **amend**  
2       (1) as follows:

3           **25-1-103. State board of health created.** (1) There is created a  
4       state board of health, referred to in this part 1 as the "board". THE BOARD  
5       IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The board consists  
6       of nine members, of which one member must be appointed by the  
7       governor, with the consent of the senate, from each congressional district  
8       and the remainder from the state at large. A vacancy on the board occurs  
9       whenever any member moves out of the congressional district from which  
10      he or she was appointed. A member who moves out of such congressional  
11      district shall promptly notify the governor of the date of his or her move,  
12      but the notice is not a condition precedent to the occurrence of the  
13      vacancy. The governor shall fill the vacancy by appointment for the  
14      unexpired term. No more than five members of the board shall be  
15      members of the same major political party. Appointments made to take  
16      effect on January 1, 1983, shall be made in accordance with section  
17      24-1-135. Appointments thereafter are made, with the consent of the  
18      senate, for terms of four years each and made so that no business or  
19      professional group constitutes a majority of the board. In making  
20      appointments to the board, the governor is encouraged to include  
21      representation by at least one member who is a person with a disability,  
22      as defined in section 24-34-301 (2.5), a family member of a person with  
23      a disability, or a member of an advocacy group for persons with  
24      disabilities if the other requirements of this subsection (1) are met.

25           **SECTION 41.** In Colorado Revised Statutes, **amend** 25-1-401 as  
26      follows:

27           **25-1-401. Office of state chemist created.** The professor of food

1 and drug chemistry in the department of chemistry at the university of  
2 Colorado ~~shall be~~ IS the state chemist of Colorado. The office and  
3 laboratory of the state chemist ~~shall be~~ IS in the department of chemistry  
4 at the university of Colorado. The office of state chemist ~~shall be~~ IS a  
5 section of the division of administration of the department of public  
6 health and environment. THE OFFICE OF STATE CHEMIST IS A **TYPE 2**  
7 ENTITY, AS DEFINED IN SECTION 24-1-105.

8 **SECTION 42.** In Colorado Revised Statutes, 25-1.5-403, **amend**  
9 (2) as follows:

10 **25-1.5-403. Primary care office - creation.** (2) The primary care  
11 office and the director of the office ARE **TYPE 2** ENTITIES, AS DEFINED IN  
12 SECTION 24-1-105, AND shall exercise their powers and perform their  
13 duties and functions specified in this part 4 under the department. ~~as if the~~  
14 ~~same were transferred to the department by a type 2 transfer, as such~~  
15 ~~transfer is defined in the "Administrative Organization Act of 1968",~~  
16 ~~article 1 of title 24, C.R.S.~~

17 **SECTION 43.** In Colorado Revised Statutes, 25-2-103, **amend**  
18 (1) as follows:

19 **25-2-103. Centralized registration system for all vital statistics**  
20 **- appointment of registrar - rules.** (1) In order to provide for the  
21 maintenance of a centralized registry of the vital statistics of this state, the  
22 office of state registrar of vital statistics, referred to in this ~~article~~ ARTICLE  
23 2 as the "state registrar", is ~~hereby~~ created in THE DIVISION OF  
24 ADMINISTRATION in the department of public health and environment. The  
25 state registrar ~~shall be~~ IS appointed by the state board of health and ~~shall~~  
26 ~~have~~ HAS such staff and clerical help as IS reasonably ~~may be~~ required in  
27 the performance of the state registrar's duties. The state registrar and the

1 staff and clerical help of the state registrar ~~shall be~~ ARE subject to the  
2 state constitution and state personnel system laws. THE OFFICE OF THE  
3 STATE REGISTRAR IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

4 **SECTION 44.** In Colorado Revised Statutes, 25-3.5-206, **amend**  
5 (1) as follows:

6 **25-3.5-206. Emergency medical practice advisory council -**  
7 **creation - powers and duties - emergency medical service provider**  
8 **scope of practice - definitions - rules.** (1) There is ~~hereby created within~~  
9 IN the department, as a **type 2** entity under the direction of the EXECUTIVE  
10 director OF THE DEPARTMENT, the emergency medical practice advisory  
11 council, referred to in this part 2 as the "advisory council". The advisory  
12 council is responsible for advising the department regarding the  
13 appropriate scope of practice for emergency medical service providers  
14 certified or licensed under section 25-3.5-203. THE ADVISORY COUNCIL  
15 IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

16 **SECTION 45.** In Colorado Revised Statutes, 25-4-2204, **amend**  
17 (2) as follows:

18 **25-4-2204. Office of health equity - creation.** (2) The office and  
19 the director of the office ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
20 24-1-105, AND shall exercise their powers and perform their duties and  
21 functions specified in this part 22 under the department. ~~as if the same~~  
22 ~~were transferred to the department by a type 2 transfer, as such transfer~~  
23 ~~is defined in the "Administrative Organization Act of 1968", article 1 of~~  
24 ~~title 24, C.R.S.~~

25 **SECTION 46.** In Colorado Revised Statutes, 25-7-104, **amend**  
26 (1) as follows:

27 **25-7-104. Air quality control commission created.** (1) There is

1 hereby created in the department of public health and environment the air  
2 quality control commission, which ~~shall consist~~ CONSISTS of nine citizens  
3 of this state ~~who shall be~~ appointed by the governor with the consent of  
4 the senate. THE AIR QUALITY CONTROL COMMISSION IS A **TYPE 1** ENTITY,  
5 AS DEFINED IN SECTION 24-1-105.

6 **SECTION 47.** In Colorado Revised Statutes, 25-7-105, **amend**  
7 (3) as follows:

8 **25-7-105. Duties of commission - rules - legislative declaration**  
9 **- definitions.** (3) The commission shall employ a technical secretary and  
10 shall delegate to ~~such~~ THE secretary ~~such~~ THE duties and responsibilities  
11 as it may deem necessary; except that, NOTWITHSTANDING SECTION  
12 24-1-105, no authority shall be delegated to ~~such~~ THE secretary to adopt,  
13 promulgate, amend, or repeal standards or ~~regulations~~ RULES, or to make  
14 determinations, or to issue or countermand orders of the commission.  
15 ~~Such~~ THE secretary ~~shall~~ MUST have appropriate practical, educational,  
16 and administrative experience related to air pollution control and ~~shall~~  
17 MUST be employed pursuant to the state personnel system laws. THE  
18 TECHNICAL SECRETARY IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
19 24-1-105.

20 **SECTION 48.** In Colorado Revised Statutes, 25-8-201, **amend**  
21 (1)(a) as follows:

22 **25-8-201. Water quality control commission created.**

23 (1) (a) There is ~~hereby~~ created in the department of public health and  
24 environment a water quality control commission, which IS A **TYPE 1**  
25 ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its powers  
26 and perform its duties and functions ~~as if it were transferred to said~~  
27 ~~department by a type 1 transfer~~ UNDER THE DEPARTMENT OF PUBLIC

1 HEALTH AND ENVIRONMENT. The commission ~~shall consist~~ CONSISTS of  
2 nine citizens of the state ~~who shall be~~ appointed by the governor, with the  
3 consent of the senate, for terms of three years each; except that, of the  
4 members appointed to take office in 1984, one ~~shall be~~ is appointed for  
5 a one-year term, one ~~shall be~~ is appointed for a two-year term, and three  
6 ~~shall be~~ ARE appointed for three-year terms. Members of the commission  
7 ~~shall~~ MUST be appointed so as to achieve geographical representation and  
8 to reflect the various interests in water in the state. At least two members  
9 ~~shall~~ MUST reside in that portion of the state ~~which~~ THAT is west of the  
10 continental divide.

11 **SECTION 49.** In Colorado Revised Statutes, 25-9-104, **amend**  
12 (8) as follows:

13 **25-9-104. Duties of board - rules.** (8) The board ~~may~~ IS A **TYPE**  
14 **1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL exercise its  
15 powers and perform its duties and functions ~~as if it were transferred to~~  
16 UNDER the department. ~~by a type 1 transfer under the "Administrative~~  
17 ~~Organization Act of 1968", article 1 of title 24, C.R.S.~~

18 **SECTION 50.** In Colorado Revised Statutes, 25-15-302, **amend**  
19 (1)(a) as follows:

20 **25-15-302. Solid and hazardous waste commission - creation**  
21 **- membership - rules - fees - administration - definition.** (1) (a) There  
22 is ~~hereby~~ created in the department of public health and environment a  
23 solid and hazardous waste commission, referred to in this part 3 as the  
24 "commission", which IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
25 24-1-105, AND shall exercise its powers and perform its duties and  
26 functions ~~as if it were transferred to said department by a type 1 transfer~~  
27 UNDER THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. The

1 commission ~~shall consist~~ CONSISTS of nine citizens of the state who shall  
2 ~~be~~ appointed by the governor, with the consent of the senate, for terms of  
3 three years each; except that, of the members appointed to take office  
4 initially, three ~~shall be~~ ARE appointed for one-year terms, three ~~shall be~~  
5 ARE appointed for two-year terms, and three ~~shall be~~ ARE appointed for  
6 three-year terms. Members of the commission ~~shall~~ MUST be appointed  
7 so as to achieve geographical representation and to reflect the various  
8 interests in waste management in the state.

9 **SECTION 51.** In Colorado Revised Statutes, 25-20.5-103,  
10 **amend** (2) as follows:

11 **25-20.5-103. Prevention services division - creation.** (2) The  
12 division IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall  
13 exercise its powers and perform its duties and functions specified in this  
14 ~~article~~ ARTICLE 20.5 under the department of public health and  
15 environment. ~~as if it were transferred to the department by a type 2~~  
16 ~~transfer as such transfer is defined in the "Administrative Organization~~  
17 ~~Act of 1968", article 1 of title 24, C.R.S.~~

18 **SECTION 52.** In Colorado Revised Statutes, 30-10-601.6,  
19 **amend** (2) as follows:

20 **30-10-601.6. Coroners standards and training board.** (2) The  
21 C.C.S.T. board IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
22 shall exercise its powers and perform its duties and functions under the  
23 department of public health and environment. ~~as if transferred to the~~  
24 ~~department by a type 2 transfer, as such transfer is defined in the~~  
25 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~  
26 *<{Department of health care policy and financing}>*

27 **SECTION 53.** In Colorado Revised Statutes, 24-1-119.5, **amend**



1 (2), (4), (4.5), (5), (8), and (9) as follows:

2 **24-1-119.5. Department of health care policy and financing -**

3 **creation.** (2) The powers, duties, and functions OF THE DEPARTMENT OF  
4 HEALTH CARE POLICY AND FINANCING INCLUDE THE POWERS, DUTIES, AND  
5 FUNCTIONS relating to the "Colorado Medical Assistance Act", as  
6 specified in articles 4, 5, and 6 of title 25.5. ~~C.R.S., are transferred by a~~  
7 ~~type 2 transfer to the department of health care policy and financing.~~

8 (4) The powers, duties, and functions OF THE DEPARTMENT OF  
9 HEALTH CARE POLICY AND FINANCING INCLUDE THE POWERS, DUTIES, AND  
10 FUNCTIONS relating to the "Colorado Indigent Care Program", as specified  
11 in part 1 of article 3 of title 25.5. ~~C.R.S., are transferred by a type 2~~  
12 ~~transfer to the department of health care policy and financing.~~

13 (4.5) The powers, duties, and functions OF THE DEPARTMENT OF  
14 HEALTH CARE POLICY AND FINANCING INCLUDE THE POWERS, DUTIES, AND  
15 FUNCTIONS relating to the old age pension health and medical care  
16 program, as specified in section 25.5-2-101. ~~C.R.S., are transferred by a~~  
17 ~~type 2 transfer to the department of health care policy and financing.~~

18 (5) The medical services board, created in part 3 of article 1 of  
19 title 25.5, ~~C.R.S., and its powers, duties, and functions are transferred by~~  
20 ~~a type 1 transfer to in the department of health care policy and financing~~  
21 IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL  
22 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER  
23 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

24 (8) The powers, duties, and functions OF THE DEPARTMENT OF  
25 HEALTH CARE POLICY AND FINANCING INCLUDE THE POWERS, DUTIES, AND  
26 FUNCTIONS relating to programs, services, and supports for persons with  
27 intellectual and developmental disabilities, as specified in article 10 of

1 title 25.5. C.R.S., are transferred by a ~~type 2~~ transfer to the department of  
2 ~~health care policy and financing~~ SUCH POWERS, DUTIES, AND FUNCTIONS  
3 ARE ALLOCATED TO THE DIVISION OF INTELLECTUAL AND DEVELOPMENTAL  
4 DISABILITIES, CREATED IN SECTION 25.5-10-203 (2), WHICH DIVISION IS  
5 PART OF THE OFFICE OF COMMUNITY LIVING, CREATED IN SECTION  
6 25.5-10-101. THE OFFICE OF COMMUNITY LIVING AND THE DIVISION OF  
7 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES ARE **TYPE 2** ENTITIES,  
8 AS DEFINED IN SECTION 24-1-105.

9 (9) The Colorado healthcare affordability and sustainability  
10 enterprise created in section 25.5-4-402.4 (3) ~~shall exercise its powers and~~  
11 ~~perform its duties and functions as if the same were transferred by a type~~  
12 ~~2 transfer as defined in section 24-1-105, to the department of health care~~  
13 ~~policy and financing~~ IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
14 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
15 FUNCTIONS UNDER THE DEPARTMENT OF HEALTH CARE POLICY AND  
16 FINANCING.

17 **SECTION 54.** In Colorado Revised Statutes, 25.5-1-301, **add** (5)  
18 as follows:

19 **25.5-1-301. Medical services board - creation.** (5) THE BOARD  
20 IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

21 **SECTION 55.** In Colorado Revised Statutes, 25.5-4-402.4,  
22 **amend** (3)(e) and (7)(a)(II) as follows:

23 **25.5-4-402.4. Hospitals - healthcare affordability and**  
24 **sustainability fee - legislative declaration - Colorado healthcare**  
25 **affordability and sustainability enterprise - federal waiver - fund**  
26 **created - rules - reports - repeal.** (3) **Colorado healthcare**  
27 **affordability and sustainability enterprise.** (e) The enterprise ~~shall~~

1 ~~exercise its powers and perform its duties as if the same were transferred~~  
2 ~~to the state department by a **type 2** transfer, as defined in section~~  
3 ~~24-1-105.~~ IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
4 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS  
5 UNDER THE DEPARTMENT.

6 (7) **Colorado healthcare affordability and sustainability**  
7 **enterprise board.** (a) (II) The initial members of the enterprise board are  
8 the members of the hospital provider fee oversight and advisory board  
9 that was created and existed pursuant to section 25.5-4-402.3 (6), prior to  
10 July 1, 2017, and such members shall serve on and after July 1, 2017, for  
11 the remainder of the terms for which they were appointed as members of  
12 the advisory board. The powers, duties, and functions of the ENTERPRISE  
13 BOARD INCLUDE THE POWERS, DUTIES, AND FUNCTIONS OF THE hospital  
14 provider fee oversight and advisory board, ~~are transferred by a **type 3**~~  
15 ~~transfer, as defined in ssection 24-1-105, to the enterprise,~~ and the  
16 hospital provider fee oversight and advisory board is abolished.

17 **SECTION 56.** In Colorado Revised Statutes, 25.5-10-101,  
18 **amend** (1) and (2)(a) as follows:

19 **25.5-10-101. Office of community living - creation - transfer**  
20 **of duties and functions - rules - legislative declaration.** (1) There is  
21 ~~hereby~~ created in the state department the office of community living,  
22 referred to in this ~~article~~ ARTICLE 10 as the "office". THE OFFICE IS A **TYPE**  
23 **2** ENTITY, AS DEFINED IN SECTION 24-1-105. The head of the office is the  
24 director of community living appointed by the executive director in  
25 accordance with section 13 of article XII of the state constitution. The  
26 director of community living reports directly to the executive director.

27 (2) (a) On and after March 1, 2014, the powers, duties, and

1 functions OF THE DEPARTMENT OF HEALTHCARE POLICY AND FINANCING  
2 INCLUDE THE POWERS, DUTIES, AND FUNCTIONS relating to the programs,  
3 services, and supports contained in this ~~article are transferred from~~  
4 ARTICLE 10 THAT WERE FORMERLY VESTED IN the department of human  
5 services. ~~to the department of health care policy and financing by a type~~  
6 ~~2 transfer as such transfer is defined in the "Administrative Organization~~  
7 ~~Act of 1968", article 1 of title 24, C.R.S. and~~ SUCH POWERS, DUTIES, AND  
8 FUNCTIONS ARE allocated to the division of intellectual and developmental  
9 disabilities of the office, which division is created in part 2 of this ~~article~~  
10 ARTICLE 10.

11 **SECTION 57.** In Colorado Revised Statutes, 25.5-10-203,  
12 **amend** (2) as follows:

13 **25.5-10-203. Division of intellectual and developmental**  
14 **disabilities - creation - functions - reporting - legislative declaration.**  
15 (2) There is ~~hereby created within~~ IN the office the division of intellectual  
16 and developmental disabilities. THE DIVISION IS A **TYPE 2** ENTITY, AS  
17 DEFINED IN SECTION 24-1-105.

18 ~~<{*Department of human services*}>~~

19 **SECTION 58.** In Colorado Revised Statutes, 24-1-120, **amend**  
20 (2), (3), (4) introductory portion, (4)(a), (5) introductory portion, (5)(a),  
21 (5)(b), (5)(c), (5)(e), (5)(f), (5)(g), (5)(h), (5)(k), (6) introductory portion,  
22 (6)(c), (6)(d), (6)(e), (7) introductory portion, (8), (9), (10), (11), and (12);  
23 and **repeal** (5)(d) and (5)(i) as follows:

24 **24-1-120. Department of human services - creation.** (2) Except  
25 as otherwise provided in title 26, ~~C.R.S.~~, THE POWERS, DUTIES, AND  
26 FUNCTIONS OF THE DEPARTMENT OF HUMAN SERVICES INCLUDE the  
27 powers, duties, and functions of the FORMER department of social services

1 and the FORMER department of institutions, ~~are transferred by a type 3~~  
2 ~~transfer to the department of human services~~, and the department of social  
3 services and the department of institutions are abolished.

4 (3) The POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF  
5 HUMAN SERVICES INCLUDE THE POWERS, DUTIES, AND FUNCTIONS OF THE  
6 FORMER state board of social services, created by article 1 of title 26,  
7 ~~C.R.S., and its powers, duties, and functions are transferred by a type 1~~  
8 ~~transfer to the department of human services~~ WHICH IS RENAMED as the  
9 state board of human services. THE STATE BOARD OF HUMAN SERVICES IS  
10 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

11 (4) Unless otherwise transferred to the department of health care  
12 policy and financing or the department of public health and environment,  
13 the department of human services shall exercise the following powers and  
14 perform the following duties AND FUNCTIONS:

15 (a) THE powers, duties, and functions relating to public assistance  
16 and welfare; ~~which are transferred by a type 2 transfer to the department~~  
17 ~~of human services~~;

18 (5) The department of human services ~~shall include~~ INCLUDES the  
19 following:

20 (a) The Colorado commission on the aging, CREATED PURSUANT  
21 TO SECTION 26-11-101, and the office of the director ~~thereof. Said office~~  
22 ~~and director and their powers, duties, and functions are transferred by a~~  
23 ~~type 2 transfer to the department of human services~~ OF THE COMMISSION,  
24 CREATED PURSUANT TO SECTION 26-11-104, WHICH ARE **TYPE 2** ENTITIES,  
25 AS DEFINED IN SECTION 24-1-105, AND WHICH SHALL EXERCISE THEIR  
26 POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE  
27 DEPARTMENT OF HUMAN SERVICES. <{**DHS: Is this correct? 26-11-104**}

1 *does not specify that the director is type 2. Should it?*>

2 (b) The Colorado veterans community living center at Homelake,  
3 CREATED PURSUANT TO SECTION 26-12-203, which is ~~transferred by a~~  
4 ~~type 2 transfer to the department of human services~~ A **TYPE 2** ENTITY, AS  
5 DEFINED IN SECTION 24-1-105.

6 (c) The Colorado veterans community living centers, created by  
7 part 2 of article 12 of title 26, C.R.S., ~~which are transferred by a type 2~~  
8 ~~transfer to the department of human services~~ WHICH ARE **TYPE 2** ENTITIES,  
9 AS DEFINED IN SECTION 24-1-105.

10 (d) ~~The merit system council, created by article 1 of title 26,~~  
11 ~~C.R.S. Said council and its powers, duties, and functions are transferred~~  
12 ~~by a type 2 transfer to the department of human services.~~ <{*DHS: The*  
13 *merit system council no longer exists; the merit system selection of*  
14 *county employees was phased out in 2001 and under section 26-1-120,*  
15 *each county runs its own merit system council.*>

16 (e) The powers, duties, and functions regarding the state  
17 information agency ~~under~~ PURSUANT TO the "Uniform Interstate Family  
18 Support Act", created ~~by~~ IN article 5 of title 14. C.R.S. ~~Said powers,~~  
19 ~~duties, and functions are transferred by a type 2 transfer to the department~~  
20 ~~of human services;~~ <{*DHS, was this allocated to the child support*  
21 *enforcement division?*>

22 (f) The state office on aging, created ~~by~~ IN part 2 of article 11 of  
23 title 26. C.R.S. ~~Said state office and its powers, duties, and functions are~~  
24 ~~transferred by a type 2 transfer to the department of human services~~ THE  
25 STATE OFFICE ON AGING IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
26 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
27 FUNCTIONS UNDER THE DEPARTMENT OF HUMAN SERVICES.

1 (g) The adoption intermediary commission, created by IN part 3  
2 of article 5 of title 19. C.R.S. ~~Said commission and its powers, duties, and~~  
3 ~~functions are transferred by a type 1 transfer to the department of human~~  
4 ~~services~~ THE ADOPTION INTERMEDIARY COMMISSION IS A **TYPE 1** ENTITY,  
5 AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
6 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF HUMAN  
7 SERVICES.

8 (h) The Colorado commission for the deaf, hard of hearing, and  
9 deafblind created by IN article 21 of title 26. C.R.S. ~~Said commission~~  
10 ~~shall exercise its powers, duties, and functions under the department as~~  
11 ~~if transferred by a type 2 transfer~~ THE COLORADO COMMISSION FOR THE  
12 DEAF, HARD OF HEARING, AND DEAFBLIND IS A **TYPE 2** ENTITY, AS DEFINED  
13 IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS  
14 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT.

15 (i) ~~The office of homeless youth services, created by article 5.9 of~~  
16 ~~title 26, C.R.S. Said office and its powers, duties, and functions are~~  
17 ~~transferred by a type 2 transfer to the department of human services.~~  
18 <{**DHS: Article 5.9 of title 26 was repealed in 2011 in HB 11-1230. The**  
19 **office of homeless youth services was repealed and relocated to section**  
20 **24-32-723 and moved to the department of local affairs. However, the**  
21 **type 2 status of the office of homeless youth services was not stated in**  
22 **the organic statutes for DHS in article 5.9, so the type 2 designation of**  
23 **this office does not appear in section 24-32-723 (3), nor does it appear**  
24 **in section 24-1-125 as being part of DOLA. Should a type 2 designation**  
25 **for the office of homeless youth services be added to the AOA in section**  
26 **24-1-125?}}**>

27 (k) The board of commissioners of veterans community living

1 centers, created in section 26-12-402. ~~C.R.S. Said board and its powers,~~  
2 ~~duties, and functions are transferred by a type 2 transfer to the department~~  
3 ~~of human services~~ THE BOARD OF COMMISSIONERS OF VETERANS  
4 COMMUNITY LIVING CENTERS IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
5 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
6 FUNCTIONS UNDER THE DEPARTMENT.

7 (6) The department consists of the following divisions, units, ~~and~~  
8 offices, AND BOARDS:

9 (c) The juvenile parole board, created pursuant to section  
10 19-2-206. ~~The juvenile parole board and its powers, duties, and functions~~  
11 ~~are transferred by a type 1 transfer to the department of human services~~  
12 ~~as a division thereof~~ THE JUVENILE PAROLE BOARD IS A **TYPE 1** ENTITY, AS  
13 DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
14 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF HUMAN  
15 SERVICES AS A DIVISION THEREOF.

16 (d) The office of behavioral health in the department of human  
17 services, created pursuant to article 80 of title 27. THE OFFICE OF  
18 BEHAVIORAL HEALTH IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
19 24-1-105. THE POWERS, DUTIES, AND FUNCTIONS OF THE office of  
20 behavioral health ~~and its powers, duties, and functions, including~~  
21 ~~INCLUDE the powers, duties, and functions relating to the alcohol and drug~~  
22 ~~driving safety program specified in section 42-4-1301.3. are transferred~~  
23 ~~by a type 2 transfer to the department of human services.~~

24 (e) The division of youth services, created pursuant to section  
25 19-2-203, ~~The division of youth services~~ and the office of the director of  
26 the division of youth services, ~~and their powers, duties, and functions are~~  
27 ~~transferred by a type 2 transfer to the department of human services as a~~



1 ~~division thereof~~ ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105,  
2 AND SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND  
3 FUNCTIONS UNDER THE DEPARTMENT OF HUMAN SERVICES.

4 (7) The department of human services shall supervise and control  
5 the following institutions, ~~which are transferred by a type 2 transfer to the~~  
6 ~~department of human services~~ ALL OF WHICH ARE **TYPE 2** ENTITIES, AS  
7 DEFINED IN SECTION 24-1-105:

8 (8) The ~~state council on~~ COLORADO developmental disabilities  
9 COUNCIL, created by IN part 2 of article 10.5 of title 27, C.R.S., and its  
10 ~~powers, duties, and functions are transferred by a type 1 transfer to the~~  
11 ~~department of human services~~ IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
12 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
13 FUNCTIONS UNDER THE DEPARTMENT OF HUMAN SERVICES.

14 (9) ~~The powers, duties, and functions of~~ The Colorado traumatic  
15 brain injury trust fund board, created in section 26-1-302, C.R.S., ~~are~~  
16 ~~transferred by a type 2 transfer to the department of human services~~ IS A  
17 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE  
18 ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
19 DEPARTMENT OF HUMAN SERVICES. <{*DHS: the term "traumatic" is not*  
20 *included in the organic statute. Which way should it be?*}>

21 (10) ~~The powers, duties, and functions of~~ The Colorado children's  
22 trust fund board, created in section 19-3.5-104, C.R.S., ~~are transferred by~~  
23 ~~a type 2 transfer to the department of human services~~ IS A **TYPE 2** ENTITY,  
24 AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
25 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF HUMAN  
26 SERVICES.

27 (11) ~~The powers, duties, and functions of~~ The Tony Grampas

1 youth services board, created in section 26-6.8-103, ~~C.R.S., are~~  
2 ~~transferred by a type 2 transfer to the department of human services~~ IS A  
3 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE  
4 ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
5 DEPARTMENT OF HUMAN SERVICES.

6 (12) The office of the ombudsman for behavioral health access to  
7 care, created in section 27-80-303, ~~shall exercise its powers and perform~~  
8 ~~its duties and functions as if the office were transferred by a type 1~~  
9 ~~transfer, as defined in section 24-1-105, to the department of human~~  
10 ~~services~~ IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL  
11 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER  
12 THE DEPARTMENT OF HUMAN SERVICES.

13 **SECTION 59.** In Colorado Revised Statutes, 19-2-203, **amend**  
14 (1)(a) as follows:

15 **19-2-203. Division of youth services - created - interagency**  
16 **agreements - duties of administrators of facilities in connection with**  
17 **voter registration and casting of ballots - reports.** (1) (a) There is  
18 ~~hereby created within~~ IN the department of human services the division  
19 of youth services, referred to ~~within~~ IN this section as the "division", the  
20 head of which is the director of the division. The executive director of the  
21 department of human services shall appoint the director of the division  
22 pursuant to section 13 of article XII of the state constitution and the laws  
23 and rules governing the state personnel system. The director IS A **TYPE 2**  
24 ENTITY, AS DEFINED IN SECTION 24-1-105, WHO shall exercise THE  
25 DIRECTOR'S powers and perform THE DIRECTOR'S duties and functions  
26 within the office of the executive director of the department of human  
27 services in accordance with ~~the provisions of this article 2. and as if~~

1 transferred thereto by a ~~type 2~~ transfer as such transfer is defined in the  
2 "Administrative Organization Act of 1968", article 1 of title 24.

3 **SECTION 60.** In Colorado Revised Statutes, 19-2-206, **amend**  
4 (1) as follows:

5 **19-2-206. Juvenile parole board - creation - membership.**

6 (1) There is ~~hereby~~ created a juvenile parole board, referred to in this  
7 section and section 19-2-207 as the "board", to consist of nine members  
8 appointed by the governor and confirmed by the senate. Any vacancy that  
9 occurs when the general assembly is not in session may be filled by the  
10 governor, and ~~such~~ THE member shall serve temporarily until confirmed  
11 at the next regular session of the general assembly. THE BOARD IS A **TYPE**  
12 **1** ENTITY, AS DEFINED IN SECTION 24-1-105.

13 **SECTION 61.** In Colorado Revised Statutes, 19-3.5-104, **amend**  
14 (1) as follows:

15 **19-3.5-104. Colorado children's trust fund board - creation -**

16 **members.** (1) (a) ~~There is hereby created, in the department of public~~  
17 ~~health and environment, the Colorado children's trust fund board. The~~  
18 ~~board shall exercise its powers and duties as if transferred by a type 2~~  
19 ~~transfer. <{*DHS: In 2013, this board was transferred from DPHE to*~~  
20 ~~*DHS in (1)(b), but (1)(a) was not correctly amended or repealed.*>~~

21 (b) The Colorado children's trust fund board is transferred FROM  
22 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT to the  
23 department of human services. The board ~~shall exercise its powers and~~  
24 ~~duties as if transferred by a type 2 transfer~~ IS A **TYPE 2** ENTITY, AS  
25 DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
26 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF HUMAN  
27 SERVICES. Persons appointed to the Colorado children's trust fund board

1 shall continue serving until completion of their terms and may be  
2 reappointed as provided in this section.

3 **SECTION 62.** In Colorado Revised Statutes, 19-5-303, **amend**  
4 (1) introductory portion as follows:

5 **19-5-303. Commission created - duties.** (1) There is hereby  
6 created in the department the adoption intermediary commission, referred  
7 to in this section as the "commission", ~~that shall consist~~ WHICH CONSISTS  
8 of thirteen members. The commission IS A **TYPE 1** ENTITY, AS DEFINED IN  
9 SECTION 24-1-105, AND shall exercise its powers and perform the duties  
10 and functions specified by this part 3 ~~as if the same were transferred to~~  
11 UNDER the department. ~~by a type 1 transfer, as such transfer is defined in~~  
12 ~~article 1 of title 24, C.R.S. Representation and appointment of such~~  
13 ~~members shall be as follows:~~

14 **SECTION 63.** In Colorado Revised Statutes, 26-1-107, **amend**  
15 (1)(a) as follows:

16 **26-1-107. State board of human services - rules.** (1) (a) There  
17 is created IN THE DEPARTMENT OF HUMAN SERVICES the state board of  
18 human services, referred to in this section as the "state board". THE STATE  
19 BOARD IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The state  
20 board consists of nine members appointed by the governor, with the  
21 consent of the senate, for terms of four years. ~~each~~. In making  
22 appointments to the board, the governor shall include representation by  
23 at least one member who is a person with a disability, as defined in  
24 section 24-34-301 (2.5), a family member of a person with a disability, or  
25 a member of an advocacy group for persons with disabilities.

26 **SECTION 64.** In Colorado Revised Statutes, 26-1-302, **amend**  
27 (1) as follows:

1           **26-1-302. Colorado brain injury trust fund board - creation**  
 2   **- powers and duties.** (1) There is ~~hereby~~ created the Colorado brain  
 3 injury trust fund board ~~within~~ IN the state department of human services.  
 4 ~~The board shall exercise its powers and duties as if transferred by a type~~  
 5 ~~2 transfer~~ THE BRAIN INJURY TRUST FUND BOARD IS A **TYPE 2** ENTITY, AS  
 6 DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
 7 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT.

8           **SECTION 65.** In Colorado Revised Statutes, 26-6.8-103, **amend**  
 9 (1)(a) as follows:

10           **26-6.8-103. Tony Grampsas youth services board - members**  
 11 **- duties.** (1) (a) There is ~~hereby~~ created the Tony Grampsas youth  
 12 services board, ~~consisting~~ WHICH IS A **TYPE 2** ENTITY, AS DEFINED IN  
 13 SECTION 24-1-105. THE BOARD CONSISTS of four adult members appointed  
 14 by the governor, two youth members appointed by the governor, three  
 15 adult members appointed by the speaker of the house of representatives,  
 16 two adult members appointed by the president of the senate, and one adult  
 17 member appointed by the minority leader of the senate. For the initial  
 18 appointments, the governor shall appoint members to the board after the  
 19 speaker of the house of representatives and the president and the minority  
 20 leader of the senate have made appointments. No more than seven of the  
 21 members appointed to the board shall be members of the same political  
 22 party.

23           **SECTION 66.** In Colorado Revised Statutes, 26-11-101, **amend**  
 24 (1) as follows:

25           **26-11-101. Commission on the aging created.** (1) There is  
 26 ~~hereby~~ created in the state department the Colorado commission on the  
 27 aging, referred to in this ~~article~~ ARTICLE 11 as the "commission". ~~which~~

1 ~~shall consist~~ THE COMMISSION IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
2 24-1-105, AND CONSISTS of seventeen members appointed by the  
3 governor, with the consent of the senate. Two members ~~shall~~ MUST be  
4 appointed from each congressional district of the state, one of whom ~~shall~~  
5 MUST be from each major political party, and, after July 1, 1976, and  
6 thereafter when a vacancy occurs, one of ~~such~~ THE members ~~shall~~ MUST  
7 be from west of the continental divide. A vacancy on the commission  
8 occurs whenever any member moves out of the congressional district  
9 from which ~~he or she~~ THE MEMBER was appointed. Any member who  
10 moves out of ~~such~~ THE congressional district shall promptly notify the  
11 governor of the date of such move, but ~~such~~ notice is not a condition  
12 precedent to the occurrence of the vacancy. The governor shall fill the  
13 vacancy as provided in subsection (2) of this section. Appointments made  
14 to take effect on January 1, 1983, ~~shall~~ MUST be made in accordance with  
15 section 24-1-135. ~~C.R.S.~~ No more than nine members of the commission  
16 ~~shall~~ MAY be members of the same major political party. One member  
17 ~~shall~~ MUST be appointed from the state at large, one member ~~shall~~ MUST  
18 be appointed from among the membership of the senate, and one member  
19 ~~shall~~ MUST be appointed from among the membership of the house of  
20 representatives. Appointments to the commission ~~shall~~ MUST comply with  
21 the requirements of the rules and regulations of the United States  
22 department of health and human services promulgated pursuant to Public  
23 Law 93-29, known as the "Older Americans Comprehensive Services  
24 Amendments of 1973", as such rules and regulations appear in section  
25 903.50 (c) of title 45 of the code of federal regulations. In making  
26 appointments to the commission, the governor is encouraged to include  
27 representation by at least one member who is a person with a disability,

1 a family member of a person with a disability, or a member of an  
2 advocacy group for persons with disabilities, provided that the other  
3 requirements of this subsection (1) are met.

4 **SECTION 67.** In Colorado Revised Statutes, **amend** 26-11-202  
5 as follows:

6 **26-11-202. State office on aging.** The executive director shall  
7 create ~~within~~ IN the state department a state office on aging, the head of  
8 which ~~shall be~~ IS the director of the state office, who ~~shall be~~ IS appointed  
9 by the executive director. The state office and the director of the state  
10 office ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND shall  
11 exercise their powers and perform their duties and functions under the  
12 state department. ~~as if the same were transferred to the state department~~  
13 ~~by a type 2 transfer, as such transfer is defined in the "Administrative~~  
14 ~~Organization Act of 1968", article 1 of title 24, C.R.S.~~

15 **SECTION 68.** In Colorado Revised Statutes, 26-12-201, **amend**  
16 (2)(a) as follows:

17 **26-12-201. Veterans community living centers authorized.**  
18 (2) (a) Subject to available appropriations, there is ~~hereby~~ authorized the  
19 establishment and construction of veterans centers for veterans of service  
20 in the armed forces of the United States and their spouses, surviving  
21 spouses, or dependent parents. Each ~~such~~ veterans center ~~shall be~~ IS  
22 known as a Colorado veterans community living center, collectively  
23 referred to in this ~~article~~ ARTICLE 12 as "veterans centers". THE VETERANS  
24 CENTERS ARE **TYPE 2** ENTITIES, AS DEFINED BY SECTION 24-1-105.

25 **SECTION 69.** In Colorado Revised Statutes, 26-12-203, **amend**  
26 (1)(a) as follows:

27 **26-12-203. The Colorado veterans community living center at**

1     **Homelake - jurisdiction - definitions.** (1) (a) The Colorado veterans  
2     community living center at Homelake, consisting of a veterans center, a  
3     domiciliary care unit, and the Homelake military veterans cemetery,  
4     referred to in this part 2 as the "veterans center", ~~as transferred to the state~~  
5     ~~department by the "Administrative Organization Act of 1968", is hereby~~  
6     is declared to be a veterans center for veterans of service in the armed  
7     forces of the United States and their spouses, surviving spouses, and  
8     dependent parents. THE COLORADO VETERANS COMMUNITY LIVING  
9     CENTER AT HOMELAKE IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
10    24-1-105.

11           **SECTION 70.** In Colorado Revised Statutes, 26-12-402, **amend**  
12    (1) as follows:

13           **26-12-402. Board of commissioners of veterans community**  
14    **living centers - creation - powers and duties.** (1) There is ~~hereby~~  
15    created the board of commissioners of veterans community living centers  
16    ~~within~~ IN the state department. The board of commissioners ~~shall exercise~~  
17    ~~its powers, duties, and functions under the state department as if it were~~  
18    ~~transferred to the state department by a type 2 transfer under the~~  
19    ~~provisions of the "Administrative Organization Act of 1968", article 1 of~~  
20    ~~title 24, C.R.S.~~ IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
21    SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS  
22    UNDER THE STATE DEPARTMENT.

23           **SECTION 71.** In Colorado Revised Statutes, 26-21-104, **amend**  
24    (1) as follows:

25           **26-21-104. Commission created - appointments.** (1) The  
26    Colorado commission for the deaf, hard of hearing, and deafblind is  
27    created in the department of human services. The commission ~~shall~~



1 ~~exercise its powers, duties, and functions under the department of human~~  
2 ~~services as if it were transferred to the department by a **type 2** transfer~~  
3 ~~under the provisions of the "Administrative Organization Act of 1968",~~  
4 ~~article 1 of title 24~~ IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105,  
5 AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
6 FUNCTIONS UNDER THE DEPARTMENT OF HUMAN SERVICES.

7 **SECTION 72.** In Colorado Revised Statutes, 27-10.5-203,  
8 **amend** (1) as follows:

9 **27-10.5-203. Establishment of state council.** (1) There is hereby  
10 created ~~within~~ IN the office of the executive director of the department of  
11 human services, the Colorado developmental disabilities council. ~~The~~  
12 ~~powers, duties, and functions of the state council are transferred by AS a~~  
13 ~~**type 1** transfer, as such transfer is defined by the "Administrative~~  
14 ~~Organization Act of 1968", article 1 of title 24, C.R.S., to the department~~  
15 ~~of human services~~ THE COLORADO DEVELOPMENTAL DISABILITIES  
16 COUNCIL IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
17 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS  
18 UNDER THE DEPARTMENT. The state council shall operate in accordance  
19 with the federal "Developmental Disabilities Assistance and Bill of  
20 Rights Act of 2000", 42 U.S.C. sec. 15001 et seq.

21 **SECTION 73.** In Colorado Revised Statutes, 27-80-102, **amend**  
22 (1) introductory portion as follows:

23 **27-80-102. Duties of the office of behavioral health.** (1) The  
24 office of behavioral health IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
25 24-1-105, AND IS RESPONSIBLE FOR THE POWERS, DUTIES, AND FUNCTIONS  
26 RELATING TO THE ALCOHOL AND DRUG DRIVING SAFETY PROGRAM  
27 SPECIFIED IN SECTION 42-4-1301.3. THE OFFICE OF BEHAVIORAL HEALTH

1 shall formulate a comprehensive state plan for substance use disorder  
2 treatment programs. The office of behavioral health shall submit the state  
3 plan to the governor and, upon ~~his or her~~ THE GOVERNOR'S approval,  
4 submit it to the appropriate United States agency for review and approval.  
5 The state plan must include, but not be limited to:

6 **SECTION 74.** In Colorado Revised Statutes, 27-80-303, **amend**  
7 (1)(a) as follows:

8 **27-80-303. Office of ombudsman for behavioral health access**  
9 **to care - creation - appointment of ombudsman - duties.** (1) (a) There  
10 is ~~hereby~~ created in the office of the executive director the office of the  
11 ombudsman for behavioral health access to care for the purpose of  
12 assisting Coloradans in accessing behavioral health care. THE OFFICE OF  
13 THE OMBUDSMAN FOR BEHAVIORAL HEALTH ACCESS TO CARE IS A **TYPE 1**  
14 ENTITY, AS DEFINED IN SECTION 24-1-105.

15 ~~<{*Department of Labor and Employment*}>~~

16 **SECTION 75.** In Colorado Revised Statutes, 24-1-121, **amend**  
17 (1.5), (3)(a)(I), (3)(b), (3)(d)(I), (3)(e), (3)(f), (3)(g), (3)(h), (3)(i), (3)(j),  
18 (4) introductory portion, (4)(b), and (5); and **add** (6) and (7) as follows:

19 **24-1-121. Department of labor and employment - creation.**  
20 (1.5) The department of labor and employment ~~shall include~~ INCLUDES,  
21 as part of the office of the executive director, the industrial claim appeals  
22 office, created ~~by~~ IN section 8-1-102. ~~C.R.S. Said~~ THE industrial claim  
23 appeals office ~~shall exercise its powers and perform its duties and~~  
24 ~~functions under the department as if transferred thereto by a type 2~~  
25 ~~transfer~~ IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL  
26 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER  
27 THE DEPARTMENT.

1           (3) The department of labor and employment consists of the  
2 following divisions and programs:

3           (a) (I) The division of labor standards and statistics, the head of  
4 which is the director of the division of labor standards and statistics,  
5 ~~which division and office are hereby~~ created IN SECTION 8-1-103. The  
6 division and the DIVISION'S director ARE **TYPE 2** ENTITIES, AS DEFINED IN  
7 SECTION 24-1-105, AND shall exercise their powers and perform their  
8 duties and functions specified by law under the department of labor and  
9 employment. ~~as if they were transferred to the department by a type 2~~  
10 ~~transfer.~~

11           (b) The division of employment and training, the head of which  
12 is the director of the division of employment and training, CREATED IN  
13 SECTION 8-83-102. The division ~~created by article 83 of title 8, C.R.S.,~~  
14 and the DIVISION'S director ~~of the division shall exercise their powers,~~  
15 ~~duties, and functions under the department of labor and employment as~~  
16 ~~if transferred by a type 2 transfer~~ ARE **TYPE 2** ENTITIES, AS DEFINED IN  
17 SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM  
18 THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF LABOR AND  
19 EMPLOYMENT.

20           (d) (I) The division of workers' compensation, the head of which  
21 ~~shall be~~ IS the director of the division of workers' compensation, ~~Said~~  
22 ~~division, created by~~ IN section 8-47-101. ~~C.R.S., and the director thereof,~~  
23 ~~shall exercise their powers, duties, and functions under the department of~~  
24 ~~labor and employment as if transferred thereto by a type 2 transfer~~ THE  
25 DIVISION AND THE DIVISION'S DIRECTOR ARE **TYPE 2** ENTITIES, AS DEFINED  
26 IN SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM  
27 THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF LABOR AND

1 EMPLOYMENT.

2 (e) The division of oil and public safety, the head of which ~~shall~~  
3 ~~be~~ IS the director of the division of oil and public safety, which division  
4 and office are created pursuant to section 8-20-101. ~~C.R.S.~~ The division  
5 and the DIVISION'S director ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
6 24-1-105, AND shall exercise their powers and perform their duties and  
7 functions specified by law under the department of labor and  
8 employment. ~~as if the same were transferred to the department by a type~~  
9 ~~2 transfer.~~

10 (f) The state work force development council, created ~~by~~ IN article  
11 46.3 of this title, ~~which~~ TITLE 24. THE COUNCIL IS A **TYPE 2** ENTITY, AS  
12 DEFINED IN SECTION 24-1-105, AND shall exercise its powers and perform  
13 its duties and functions under the department of labor and employment.  
14 ~~as if the same were transferred to the department by a type 2 transfer.~~

15 (g) The division of unemployment insurance, the head of which  
16 is the director of the division of unemployment insurance, ~~The division,~~  
17 ~~created in article 71 of title 8. C.R.S., and the director of the division shall~~  
18 ~~exercise their powers, duties, and functions under the department of labor~~  
19 ~~and employment as if transferred by a type 2 transfer~~ THE DIVISION AND  
20 THE DIVISION'S DIRECTOR ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
21 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM THEIR  
22 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF LABOR AND  
23 EMPLOYMENT.

24 (h) The powers, duties, and functions relating to vocational  
25 rehabilitation programs, including the business enterprise program, ~~which~~  
26 ~~are transferred by a type 2 transfer to the department of labor and~~  
27 ~~employment~~ AS DESCRIBED IN ARTICLE 84 OF TITLE 8.

1 (i) The powers, duties, and functions relating to the oversight of  
2 independent living services pursuant to article 85 of title 8. ~~€R.S., are~~  
3 ~~transferred by a type 2 transfer.~~

4 (j) The underground damage prevention safety commission,  
5 created by IN section 9-1.5-104.2. The commission ~~and its powers, duties,~~  
6 ~~and functions are transferred by a type 2 transfer to the department of~~  
7 ~~labor and employment~~ IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
8 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
9 FUNCTIONS UNDER THE DEPARTMENT OF LABOR AND EMPLOYMENT.

10 (4) The division of oil and public safety ~~shall include~~ INCLUDES  
11 the following:

12 (b) The division of boiler inspection, created by IN article 4 of title  
13 9. ~~€R.S. Said division and its powers, duties, and functions are~~  
14 ~~transferred by a type 2 transfer to the department of labor and~~  
15 ~~employment, and allocated to the division of oil and public safety as a~~  
16 ~~section thereof~~ THE DIVISION OF BOILER INSPECTION IS A **TYPE 2** ENTITY,  
17 AS DEFINED IN SECTION 24-1-105. THE DIVISION SHALL EXERCISE ITS  
18 POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
19 DEPARTMENT OF LABOR AND EMPLOYMENT AND IS ALLOCATED TO THE  
20 DIVISION OF OIL AND PUBLIC SAFETY AS A SECTION THEREOF. <{**CDLE:**  
21 ***This is the only place in statute that refers to the "division of boiler***  
22 ***inspection". Its organic statute (section 9-4-102) refers to it as the***  
23 ***"boiler inspection section". Should the name be changed here?***>

24 (5) The petroleum storage tank committee IS A **TYPE 1** ENTITY, AS  
25 DEFINED IN SECTION 24-1-105, AND shall exercise its powers and perform  
26 the duties and functions specified by article 20.5 of title 8 ~~€R.S., under~~  
27 the department of labor and employment and the executive director

1     ~~thereof. as if the same were transferred to the department by a type 1~~  
2     ~~transfer.~~

3             (6) THE SPECIAL FUNDS BOARD, CREATED IN SECTION 8-44-206, IS  
4     A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

5             (7) THE WORKERS' COMPENSATION COST CONTAINMENT BOARD,  
6     CREATED IN THE DIVISION OF WORKERS' COMPENSATION IN SECTION  
7     8-14.5-104, IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

8             **SECTION 76.** In Colorado Revised Statutes, 8-1-102, **amend** (1)  
9     as follows:

10            **8-1-102. Industrial claim appeals office - creation - powers and**  
11    **duties.** (1) There is ~~hereby~~ created in the office of the executive director  
12    of the department of labor and employment the industrial claim appeals  
13    office, which ~~may consist~~ CONSISTS of five industrial claim appeals  
14    examiners who ~~shall be~~ ARE appointed to serve on the industrial claim  
15    appeals panel by the executive director pursuant to section 13 of article  
16    XII of the state constitution and the laws and rules governing the state  
17    personnel system. ~~Each industrial claim appeals examiner shall exercise~~  
18    ~~such examiner's powers and perform such examiner's duties and functions~~  
19    ~~in the industrial claim appeals office within the office of the executive~~  
20    ~~director of the department as if transferred thereto by AS a type 2 transfer~~  
21    ~~as such transfer is defined in the "Administrative Organization Act of~~  
22    ~~1968", article 1 of title 24, C.R.S.~~ THE INDUSTRIAL CLAIM APPEALS OFFICE  
23    IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL  
24    EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER  
25    THE OFFICE OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT. Decisions  
26    and orders of the industrial claim appeals panel may be made by two  
27    appeals examiners. In the event of a disagreement between ~~such~~ THE two

1 appeals examiners, a third appeals examiner shall review the case, and the  
2 decision and final order of the appeals panel shall reflect the collective  
3 decision of all three appeals examiners. <{DCLE, section 24-1-121 (1.5)  
4 makes it seem like the powers, duties, and functions belong to the  
5 office. This section indicates that the powers, duties, and functions  
6 belong to each examiner. Which is correct?> <{CDLE: It seems that  
7 the industrial claim appeals examiners from the office make up the  
8 panel. Does this correctly designate the office, rather than the panel, as  
9 a type 2 entity?>

10 SECTION 77. In Colorado Revised Statutes, 8-1-103, **amend** (3)  
11 as follows:

12 **8-1-103. Division of labor standards and statistics - director -**  
13 **employees - qualifications - compensation - expenses.** (3) The  
14 DIRECTOR SHALL EXERCISE THE DIRECTOR'S powers AND PERFORM THE  
15 DIRECTOR'S duties and functions of the director AS prescribed under this  
16 ~~article~~ ARTICLE 1, including rule-making, ~~regulation~~, licensing,  
17 promulgation of rules, rates, ~~regulations~~, and standards, and the rendering  
18 of findings, orders, and adjudications, ~~shall be performed~~ under the  
19 direction and supervision of the executive director of the department of  
20 labor and employment. ~~as prescribed by section 24-1-105 (4), C.R.S.~~ THE  
21 DIRECTOR IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.  
22 <{CDLE, the term "regulation" is generally not used in statute  
23 anymore. Is it OK to strike this here?>

24 SECTION 78. In Colorado Revised Statutes, 8-14.5-104, **amend**  
25 (2) as follows:

26 **8-14.5-104. Creation of board.** (2) The board IS A **TYPE 2**  
27 ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its powers

1 and perform its DUTIES AND functions under the department and the  
2 director of the division. ~~as if the same were transferred to the department~~  
3 ~~by a type 2 transfer, as such transfer is defined in the "Administrative~~  
4 ~~Organization Act of 1968", article 1 of title 24, C.R.S.~~

5 **SECTION 79.** In Colorado Revised Statutes, 8-20-101, **amend**  
6 (1) as follows:

7 **8-20-101. Division of oil and public safety - creation -**  
8 **appointment of director - transfer of duties.** (1) There is hereby  
9 created ~~within~~ IN the department of labor and employment the division of  
10 oil and public safety, the head of which ~~shall be~~ IS the director of the  
11 division of oil and public safety. The director of the division of oil and  
12 public safety ~~shall be~~ IS appointed by the executive director of the  
13 department of labor and employment and shall not have an interest in the  
14 manufacture, sale, or distribution of oils. THE DIVISION AND THE  
15 DIRECTOR OF THE DIVISION ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
16 24-1-105.

17 **SECTION 80.** In Colorado Revised Statutes, 8-20.5-104, **amend**  
18 (9) as follows:

19 **8-20.5-104. Rules - petroleum storage tank committee.** (9) The  
20 petroleum storage tank committee IS A **TYPE 1** ENTITY AS DEFINED IN  
21 SECTION 24-1-105, AND shall exercise its powers and perform its duties  
22 and functions specified by this section under the department of labor and  
23 employment and the executive director. ~~thereof as if the same were~~  
24 ~~transferred to the department by a type 1 transfer, as such transfer is~~  
25 ~~defined in section 24-1-105, C.R.S.~~

26 **SECTION 81.** In Colorado Revised Statutes, 8-44-206, **amend**  
27 (2)(a) as follows:



1           **8-44-206. Guaranty fund - immediate payment fund - special**  
2           **funds board - creation. (2) Creation of special funds board - duties.**

3           (a) For the purposes of carrying out this section, there is hereby created  
4           a special funds board, which IS A TYPE **2** ENTITY, AS DEFINED IN SECTION  
5           24-1-105, AND WHICH shall exercise its powers and perform its duties and  
6           functions as specified in this subsection (2) under the department of labor  
7           and employment. ~~as if the same were transferred to the department by a~~  
8           ~~type 2 transfer as such transfer is defined in the "Administrative~~  
9           ~~Organization Act of 1968", article 1 of title 24, C.R.S. Said~~ THE board  
10          ~~shall be~~ IS composed of five members: Four members who are managers  
11          or employees of self-insured employers in good standing, two of whom  
12          shall demonstrate knowledge of risk management and finance, and the  
13          executive director.

14                 **SECTION 82.** In Colorado Revised Statutes, 8-47-101, **amend**  
15                 (3)(a) as follows:

16                 **8-47-101. Division of workers' compensation - creation -**  
17                 **powers, duties, and functions - transfer of functions - change of**  
18                 **statutory references. (3) (a)** The division of workers' compensation  
19                 shall, on and after July 1, 1991, execute, administer, perform, and enforce  
20                 the rights, powers, duties, functions, and obligations vested in the division  
21                 of labor prior to July 1, 1991, concerning the duties and functions  
22                 transferred to the division of workers' compensation. On July 1, 1991, all  
23                 employees of the division of labor whose principal duties are concerned  
24                 with the duties and functions transferred to the division of workers'  
25                 compensation and whose employment in the division of workers'  
26                 compensation is deemed necessary by the executive director of the  
27                 department of labor and employment to carry out the purposes of this

1 article 47 shall be transferred to the division of workers' compensation  
2 and shall become employees thereof. The employees shall retain all rights  
3 to the state personnel system and retirement benefits under the laws of  
4 this state, and their services shall be deemed to have been continuous. All  
5 transfers and any abolishment of positions in the state personnel system  
6 shall be made and processed in accordance with state personnel system  
7 laws and rules. THE DIVISION OF WORKERS' COMPENSATION AND THE  
8 DIVISION'S DIRECTOR ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
9 24-1-105. <{*CDLE: was the division of labor abolished or repealed as*  
10 *of July 1, 1991? It does not seem that there was a Type 3 transfer.*  
11 *Please make sure the statute is correct.*}>

12 **SECTION 83.** In Colorado Revised Statutes, 8-71-102, **amend**  
13 (1) as follows:

14 **8-71-102. Powers, duties, and functions - acceptance of money.**

15 (1) The functions of the division comprise all administrative functions of  
16 the state in relation to the administration of articles 70 to 82 of this title.  
17 ~~The director of the division shall exercise the powers, duties, and~~  
18 ~~functions prescribed under articles 70 to 82 of this title under the~~  
19 ~~direction and supervision of the executive director of the department of~~  
20 ~~labor and employment as prescribed by section 24-1-105. (4), C.R.S.~~  
21 TITLE 8. THE DIVISION AND THE OFFICE OF DIRECTOR OF THE DIVISION ARE  
22 **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE  
23 THE POWERS AND PERFORM THE DUTIES AND FUNCTIONS PRESCRIBED  
24 UNDER ARTICLES 70 TO 82 OF THIS TITLE 8 UNDER THE DIRECTION AND  
25 SUPERVISION OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR  
26 AND EMPLOYMENT. Any vacancy in the office of director of the division  
27 ~~shall be~~ IS filled in the manner provided by law.

1           **SECTION 84.** In Colorado Revised Statutes, 8-83-103, **amend**  
2       (1) as follows:

3           **8-83-103. Powers, duties, and functions - acceptance of money.**

4       (1) The functions of the division comprise all administrative functions of  
5       the state in relation to the administration of this ~~article. The director shall~~  
6       ~~exercise his or her powers, duties, and functions prescribed under this~~  
7       ~~article under the direction and supervision of the executive director of the~~  
8       ~~department as prescribed by section 24-1-105. (4), C.R.S.~~ ARTICLE 83.  
9       THE DIVISION AND THE DIRECTOR OF THE DIVISION ARE **TYPE 2** ENTITIES,  
10      AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS  
11      AND PERFORM THEIR DUTIES AND FUNCTIONS AS PRESCRIBED UNDER THIS  
12      ARTICLE 83 UNDER THE DIRECTION AND SUPERVISION OF THE EXECUTIVE  
13      DIRECTOR OF THE DEPARTMENT. Any vacancy in the office of director  
14      ~~shall be~~ IS filled in the manner provided by law.

15           **SECTION 85.** In Colorado Revised Statutes, 8-84-108, **amend**  
16       (1)(a) as follows:

17           **8-84-108. Transfer of functions - transition plan - report.**

18       (1) (a) On and after July 1, 2016, the ~~rights,~~ powers, duties, and functions  
19       OF THE DEPARTMENT OF LABOR AND EMPLOYMENT INCLUDE THE POWERS,  
20       DUTIES, AND FUNCTIONS regarding vocational rehabilitation programs,  
21       including the business enterprise program, THAT WERE FORMERLY vested  
22       in the department of human services prior to that date. ~~are transferred~~  
23       ~~from the department of human services to the department of labor and~~  
24       ~~employment by a type 2 transfer, as such transfer is defined in the~~  
25       "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

26           **SECTION 86.** In Colorado Revised Statutes, 8-85-109, **amend**  
27       (1) as follows:

1           **8-85-109. Transfer of functions - transition plan - report.**

2       (1) On and after July 1, 2016, the ~~rights~~, powers, duties, and functions OF  
3       THE DEPARTMENT OF LABOR AND EMPLOYMENT INCLUDE THE POWERS,  
4       DUTIES, AND FUNCTIONS regarding independent living services THAT  
5       WERE FORMERLY vested in the department of human services prior to that  
6       date. ~~are transferred from the department of human services to the~~  
7       ~~department of labor and employment by a type 2 transfer, as such transfer~~  
8       ~~is defined in the "Administrative Organization Act of 1968", article 1 of~~  
9       ~~title 24, C.R.S. <{~~*CDLE: is it OK to strike "rights" in this section? It*  
10      *does not seem to be standard language. Is there anything covered by*  
11      *"rights" that is not covered by "powers, duties, and functions"?"*~~>~~

12           **SECTION 87.** In Colorado Revised Statutes, 9-1.5-104.2, **amend**

13       (1)(a) introductory portion as follows:

14           **9-1.5-104.2. Underground damage prevention safety**  
15      **commission - creation - review of violations - enforcement - rules.**

16       (1)(a) There is ~~hereby~~ created the underground damage prevention safety  
17       commission in the department of labor and employment. The safety  
18       commission is ~~transferred to the department by a type 2 transfer as that~~  
19       ~~term is~~ A **TYPE 2** ENTITY, AS defined in section 24-1-105. The safety  
20       commission shall:

21           **SECTION 88.** In Colorado Revised Statutes, 9-4-102, **amend** (1)

22       as follows:

23           **9-4-102. Boiler inspection section - created - director - chief**  
24      **boiler inspector - inspectors - qualifications.** (1) The director shall  
25       carry out the provisions of this ~~article~~ ARTICLE 4. The director may  
26       appoint a chief boiler inspector to oversee the boiler inspection section,  
27       which is ~~hereby~~ created in the division of oil and public safety. THE

1 BOILER INSPECTION SECTION IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
2 24-1-105. The chief boiler inspector and each state boiler inspector must  
3 be qualified from practical experience in the construction, maintenance,  
4 repair, or operation of boilers as a mechanical or safety engineer, steam  
5 engineer, boilermaker, or boiler inspector of not less than five years'  
6 actual experience to enable him or her to judge the safety of boilers for  
7 use as such. Neither the chief boiler inspector nor any state boiler  
8 inspector shall be interested directly or indirectly in the manufacture,  
9 ownership, or sale of boilers or boiler supplies. <{**CDLE: Should this be**  
10 **called the "boiler inspection section" or the "division of boiler**  
11 **inspection"? (see section 24-1-121 (4)(b))**>

12 **SECTION 89.** In Colorado Revised Statutes, 24-46.3-101,  
13 **amend** (1) as follows:

14 **24-46.3-101. State work force development council - creation**  
15 **- membership - funding through gifts, grants, and donations.**

16 (1) There is ~~hereby~~ created ~~within~~ IN the department of labor and  
17 employment, ~~also~~ referred to in this ~~article~~ ARTICLE 46.3 as the  
18 "department", the state work force development council, ~~also~~ referred to  
19 in this ~~article~~ ARTICLE 46.3 as the "state council". THE STATE COUNCIL IS  
20 A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. The state council ~~shall~~  
21 ~~be~~ IS established as a state work force development board in accordance  
22 with the federal "Workforce Innovation and Opportunity Act", 29 U.S.C.  
23 sec. 3101 et seq., as amended, ~~also~~ referred to in this ~~article~~ ARTICLE 46.3  
24 as the "federal act".

25 <{**Department of Regulatory Agencies**>

26 **SECTION 90.** In Colorado Revised Statutes, 24-1-122, **amend**  
27 (2) introductory portion, (2)(a), (2)(a.5), (2)(b), (2)(c), (2)(d), (2)(e),

1 (2)(g), (2)(h), (2)(k), (2)(l), (3) introductory portion, and (4) introductory  
2 portion; and **add** (3)(nn) and (4)(f) as follows: <{**DORA: The state board**  
3 **of landscape architects is created in section 12-45-105, but is not in this**  
4 **AOA section. Should it be included?**>

5 **24-1-122. Department of regulatory agencies - creation.**

6 (2) The department of regulatory agencies ~~shall consist~~ CONSISTS of the  
7 following divisions:

8 (a) The public utilities commission, created by article 2 of title 40.  
9 ~~C.R.S. Its powers, duties, and functions are transferred by a type 1~~  
10 ~~transfer to the department of regulatory agencies as a division thereof~~ THE  
11 PUBLIC UTILITIES COMMISSION IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
12 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
13 FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY AGENCIES AS A  
14 DIVISION THEREOF. The director of the commission ~~shall serve~~ SERVES as  
15 the division director.

16 (a.5) The office of consumer counsel and the utility consumers'  
17 board, created by article 6.5 of title 40. ~~C.R.S. The office of consumer~~  
18 ~~counsel and its powers, duties, and functions are transferred by a type 1~~  
19 ~~transfer to the department of regulatory agencies as a division thereof~~ IS  
20 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE  
21 ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
22 DEPARTMENT OF REGULATORY AGENCIES AS A DIVISION THEREOF. The  
23 utility consumers' board IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
24 24-1-105, AND shall exercise its powers and perform its duties and  
25 functions under the department ~~as if the same were transferred to the~~  
26 ~~department by a type 1 transfer~~ and IS allocated to the office of consumer  
27 counsel.

1 (b) (I) THE division of insurance, CREATED IN SECTION 10-1-103,  
2 the head of which ~~shall be~~ IS the commissioner of insurance. The division  
3 of insurance ~~of the state of Colorado, created by section 10-1-103, C.R.S.,~~  
4 ~~and its powers, duties, and functions are transferred by a type 1 transfer~~  
5 ~~to the department of regulatory agencies as the division of insurance~~ IS A  
6 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE  
7 ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
8 DEPARTMENT OF REGULATORY AGENCIES. <{*DORA, is the commissioner*

9 *of insurance a type 1 entity? Do you want to specify this?*>

10 (II) The workers' compensation classification appeals board,  
11 created by IN section 8-55-101 (1). C.R.S., ~~shall exercise its powers and~~  
12 ~~perform duties and functions under the division of insurance as if such~~  
13 ~~workers' compensation classification appeals board were transferred to~~  
14 ~~the division of insurance by a type 1 transfer~~ THE WORKER'S  
15 COMPENSATION CLASSIFICATION APPEALS BOARD IS A **TYPE 1** ENTITY, AS  
16 DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
17 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DIVISION OF INSURANCE.

18 (c) THE division of financial services, the head of which ~~shall be~~  
19 IS the state commissioner of financial services. The financial services  
20 board, created by IN section 11-44-101.6, C.R.S., ~~and its powers, duties,~~  
21 ~~and functions are transferred as if by a type 1 transfer to the department~~  
22 ~~of regulatory agencies, and allocated to the division of financial services.~~  
23 IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. THE FINANCIAL  
24 SERVICES BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES  
25 AND FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY AGENCIES AND  
26 IS ALLOCATED TO THE DIVISION OF FINANCIAL SERVICES. The office of  
27 state commissioner of financial services and the DIVISION OF financial

1 services, ~~division of the state of Colorado, created by~~ IN article 44 of title  
2 11, C.R.S., ~~are transferred by a type 2 transfer to the department of~~  
3 ~~regulatory agencies, and allocated to the division of financial services~~ ARE  
4 **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE  
5 THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE  
6 DEPARTMENT OF REGULATORY AGENCIES.

7 (d) THE division of banking, the head of which ~~shall be~~ IS the state  
8 bank commissioner. The banking board, created ~~by~~ IN article 102 of title  
9 11 C.R.S., ~~and its powers, duties, and functions are transferred by a type~~  
10 ~~1 transfer to the department of regulatory agencies and allocated to the~~  
11 ~~division of banking,~~ IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.  
12 THE BANKING BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS  
13 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY  
14 AGENCIES AND IS ALLOCATED TO THE DIVISION OF BANKING. <{***DORA, are***  
15 ***the division of banking and the bank commissioner also type 1? If so do***  
16 ***you want to specify this here and in section 11-102-101?***>

17 (e) THE division of securities, the head of which ~~shall be~~ IS the  
18 commissioner of securities. The securities board, created in section  
19 11-51-702.5, C.R.S., ~~and its powers, duties, and functions are transferred~~  
20 ~~by a type 1 transfer to the department of regulatory agencies, and~~  
21 ~~allocated to the division of securities~~ IS A **TYPE 1** ENTITY, AS DEFINED IN  
22 SECTION 24-1-105. THE SECURITIES BOARD SHALL EXERCISE ITS POWERS  
23 AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
24 REGULATORY AGENCIES AND IS ALLOCATED TO THE DIVISION OF  
25 SECURITIES. The division of securities, and the office of commissioner of  
26 securities, created ~~by~~ IN article 51 of title 11, C.R.S., ~~and their powers,~~  
27 ~~duties, and functions are transferred by a type 1 transfer to the department~~



1 ~~of regulatory agencies as the division of securities~~ ARE **TYPE 1** ENTITIES,  
2 AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS  
3 AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
4 REGULATORY AGENCIES.

5 (g) THE division of professions and occupations, the head of  
6 which ~~shall be~~ IS the director of professions and occupations, which  
7 office is hereby created. ~~The division of professions and occupations is~~  
8 ~~transferred by a type 2 transfer to the department of regulatory agencies~~  
9 ~~as the division of professions and occupations~~ THE DIVISION OF  
10 PROFESSIONS AND OCCUPATIONS IS A **TYPE 2** ENTITY, AS DEFINED IN  
11 SECTION 24-1-105. <{*DORA do you want to specify that the division is*

12 *a type 2 in section 12-20-103?*}>

13 (h) THE Colorado civil rights division, the head of which ~~shall be~~  
14 IS the director of the Colorado civil rights division, AND THE COLORADO  
15 CIVIL RIGHTS COMMISSION. The Colorado civil rights commission, the  
16 Colorado civil rights division, and the office of director of the Colorado  
17 civil rights division, created by IN part 3 of article 34 of this title, and  
18 ~~their powers, duties, and functions are transferred by a type 1 transfer to~~  
19 ~~the department of regulatory agencies as the Colorado civil rights division~~  
20 TITLE 24, ARE **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND  
21 SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND  
22 FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY AGENCIES.

23 (k) (I) THE division of real estate, the head of which ~~shall be~~ IS the  
24 director of the division, AND THE REAL ESTATE COMMISSION. The division  
25 of real estate and the director of the division, created by IN part 2 of  
26 article 10 of title 12, ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
27 24-1-105, AND shall exercise their powers and perform their duties and

1 functions under the department of regulatory agencies. ~~as if they were~~  
2 ~~transferred to the department by a type 2 transfer.~~ The real estate  
3 commission, created by part 2 of article 10 of title 12, ~~and its powers,~~  
4 ~~duties, and functions are transferred by a type 1 transfer to the department~~  
5 ~~of regulatory agencies~~ IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
6 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
7 FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY AGENCIES.

8 (II) The division ~~shall include~~ OF REAL ESTATE INCLUDES the  
9 board of real estate appraisers, created ~~by~~ IN part 6 of article 10 of title 12.  
10 ~~which~~ THE BOARD OF REAL ESTATE APPRAISERS IS A **TYPE 1** ENTITY, AS  
11 DEFINED IN SECTION 24-1-105, AND shall exercise its powers and perform  
12 its duties and functions under the department of regulatory agencies. ~~as~~  
13 ~~if the same were transferred thereto by a type 1 transfer.~~ The division  
14 ~~shall~~ OF REAL ESTATE also ~~include~~ INCLUDES the board of mortgage loan  
15 originators, created ~~by~~ IN section 12-10-703. The board of mortgage loan  
16 originators ~~shall exercise its powers and perform its duties and functions~~  
17 ~~under the department of regulatory agencies as if transferred thereto by~~  
18 ~~a type 1 transfer~~ IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105,  
19 AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
20 FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY AGENCIES.

21 (I) THE division of conservation, the head of which is the director  
22 of the division, AND THE CONSERVATION EASEMENT OVERSIGHT  
23 COMMISSION. The division of conservation and the director of the  
24 division, created ~~by~~ IN article 15 of title 12, ARE **TYPE 2** ENTITIES, AS  
25 DEFINED IN SECTION 24-1-105, and shall exercise their powers and  
26 perform their duties and functions under the department of regulatory  
27 agencies. ~~as if they were transferred to the department by a type 2~~

1 ~~transfer.~~ The conservation easement oversight commission, created by IN  
2 section 12-15-103, ~~and its powers, duties, and functions are transferred~~  
3 ~~by a type 2 transfer to the department of regulatory agencies and~~  
4 ~~allocated to the division of conservation~~ IS A **TYPE 2** ENTITY, AS DEFINED  
5 IN SECTION 24-1-105. THE CONSERVATION EASEMENT OVERSIGHT  
6 COMMISSION SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
7 FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY AGENCIES AND IS  
8 ALLOCATED TO THE DIVISION OF CONSERVATION.

9 (3) The following boards and agencies ~~are transferred by a type~~  
10 ~~1 transfer to~~ IN the department of regulatory agencies ~~and~~ ARE allocated  
11 to the division of professions and occupations AND ARE **TYPE 1** ENTITIES,  
12 AS DEFINED IN SECTION 24-1-105:

13 (nn) THE STATE PHYSICAL THERAPY BOARD, CREATED IN PART 1 OF  
14 ARTICLE 285 OF TITLE 12. <{**DORA, are there other type 1 boards or**  
15 **agencies that should be listed here?}}**>

16 (4) The following boards and agencies ~~are transferred by a type~~  
17 ~~2 transfer to~~ IN the department of regulatory agencies ~~and~~ ARE allocated  
18 to the division of professions and occupations AND ARE **TYPE 2** ENTITIES,  
19 AS DEFINED IN SECTION 24-1-105:

20 (f) THE OFFICE OF COMBATIVE SPORTS, CREATED IN SECTION  
21 12-110-105, AND THE COLORADO COMBATIVE SPORTS COMMISSION,  
22 CREATED IN SECTION 12-110-106. <{**DORA: are there other type 2**  
23 **boards or agenices that should also be listed here?}}**>

24 **SECTION 91.** In Colorado Revised Statutes, 8-55-101, **amend**  
25 (1) introductory portion as follows:

26 **8-55-101. Workers' compensation classification appeals board**  
27 **- creation.** (1) There is hereby created in the division of insurance in the

1 department of regulatory agencies the workers' compensation  
2 classification appeals board. THE WORKERS' COMPENSATION  
3 CLASSIFICATION APPEALS BOARD IS A **TYPE 1** ENTITY, AS DEFINED IN  
4 SECTION 24-1-105. The board shall hear grievances brought by employers  
5 against insurers and Pinnacol Assurance concerning the calculation of  
6 experience modification factors and classification assignment decisions.  
7 The board ~~shall consist~~ CONSISTS of five voting members, each of whom  
8 ~~shall~~ MUST be knowledgeable about workers' compensation classification  
9 and experience modification factors, and one nonvoting member, as  
10 follows:

11 **SECTION 92.** In Colorado Revised Statutes, 10-1-103, **amend**  
12 (1) as follows:

13 **10-1-103. Division of insurance - subject to repeal - repeal of**  
14 **functions.** (1) There is established a division of insurance ~~within~~ IN the  
15 department of regulatory agencies. THE DIVISION OF INSURANCE IS A **TYPE**  
16 **1** ENTITY, AS DEFINED IN SECTION 24-1-105. This division is charged with  
17 the execution of the laws relating to insurance and has a supervising  
18 authority over the business of insurance in this state. Offices of the  
19 division of insurance ~~shall~~ MUST be provided in the capitol buildings  
20 group at Denver, Colorado. Whenever any law of this state refers to the  
21 insurance department of the state of Colorado, ~~said~~ THE law shall be  
22 construed as referring to the division of insurance.

23 **SECTION 93.** In Colorado Revised Statutes, **amend** 11-44-101  
24 as follows:

25 **11-44-101. Division of financial services created.** There is  
26 ~~hereby~~ created a division of financial services ~~within~~ IN the department  
27 of regulatory agencies, which shall be administered by the state

1 commissioner of financial services. When any law of this state refers to  
2 the savings and loan department of the state of Colorado, said law shall  
3 be construed as referring to the division of financial services. THE  
4 DIVISION OF FINANCIAL SERVICES AND THE OFFICE OF THE STATE  
5 COMMISSIONER OF FINANCIAL SERVICES ARE **TYPE 2** ENTITIES, AS DEFINED  
6 IN SECTION 24-1-105.

7 **SECTION 94.** In Colorado Revised Statutes, 11-44-101.6,  
8 **amend** (1) as follows:

9 **11-44-101.6. Financial services board - creation.** (1) There is  
10 ~~hereby~~ established in the division OF FINANCIAL SERVICES the financial  
11 services board, which ~~shall consist~~ CONSISTS of five members. THE  
12 FINANCIAL SERVICES BOARD IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
13 24-1-105.

14 **SECTION 95.** In Colorado Revised Statutes, **amend** 11-51-701  
15 as follows:

16 **11-51-701. Division of securities - creation - powers and duties.**

17 There is ~~hereby~~ created the division of securities ~~within~~ IN the department  
18 of regulatory agencies, the head of which ~~shall be~~ IS the commissioner of  
19 securities, who shall be appointed by the executive director of the  
20 department of regulatory agencies, pursuant to ~~the provisions of~~ section  
21 13 of article XII of the state constitution, and the securities board. THE  
22 DIVISION OF SECURITIES AND THE OFFICE OF COMMISSIONER OF SECURITIES  
23 ARE **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105. The division ~~shall~~  
24 ~~be~~ IS responsible for the administration of the provisions of articles 51,  
25 53, and 59 of this ~~title~~ TITLE 11 and part 7 of article 75 of title 24, ~~C.R.S.~~,  
26 and shall perform such other duties as are imposed upon it by law.

27 **SECTION 96.** In Colorado Revised Statutes, 11-51-702.5, **add**

1 (2.5) as follows:

2 **11-51-702.5. Securities board - creation - duties - repeal.**

3 (2.5) THE SECURITIES BOARD IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
4 24-1-105.

5 **SECTION 97.** In Colorado Revised Statutes, 11-102-101, **add**  
6 (2.5) as follows:

7 **11-102-101. Division of banking - creation - subject to**  
8 **termination - repeal of article.** (2.5) THE DIVISION OF BANKING AND THE  
9 STATE BANK COMMISSIONER ARE **TYPE 1** ENTITIES, AS DEFINED IN SECTION  
10 24-1-105. <*{DORA, are the division and commissioner type 1? Do you*  
11 *want to specify the type here or remove this section? }*>

12 **SECTION 98.** In Colorado Revised Statutes, 11-102-104, **add**  
13 (1.5) as follows:

14 **11-102-104. Powers and duties of banking board.** (1.5) THE  
15 BANKING BOARD IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

16 **SECTION 99.** In Colorado Revised Statutes, 12-10-206, **amend**  
17 (1) as follows:

18 **12-10-206. Real estate commission - created - compensation -**  
19 **immunity.** (1) There is ~~hereby~~ created a commission of five members,  
20 appointed by the governor, which shall administer parts 2 and 5 of this  
21 article 10. This commission is known as the real estate commission. THE  
22 COMMISSION IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, and  
23 consists of three real estate brokers who have had not less than five years'  
24 experience in the real estate business in Colorado, one of whom has  
25 substantial experience in property management, and two representatives  
26 of the public at large. Members of the commission ~~hold office for a~~  
27 ~~period of three years~~ SERVE THREE-YEAR TERMS. Upon the death,

1 resignation, removal, or otherwise of any member of the commission, the  
2 governor shall appoint a member to fill out the unexpired term. The  
3 governor may remove any member for misconduct, neglect of duty, or  
4 incompetence.

5 **SECTION 100.** In Colorado Revised Statutes, 12-10-207, **amend**  
6 (1) as follows:

7 **12-10-207. Division of real estate - creation - director, clerks,**  
8 **and assistants.** (1) There is ~~hereby created within~~ IN the department the  
9 division of real estate. The executive director is authorized by this section  
10 to employ, subject to the provisions of the state personnel system laws of  
11 the state, a director of the division, who in turn shall employ such  
12 attorneys, deputies, investigators, clerks, and assistants as are necessary  
13 to discharge the duties imposed by parts 2 and 5 of this article 10. The  
14 division and the director ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
15 24-1-105, AND shall exercise their powers and perform their duties and  
16 functions under the department. ~~as if they were transferred to the~~  
17 ~~department by a type 2 transfer.~~

18 **SECTION 101.** In Colorado Revised Statutes, 12-10-603, **amend**  
19 (2)(a) as follows:

20 **12-10-603. Board of real estate appraisers - creation -**  
21 **compensation - immunity - legislative declaration - subject to review**  
22 **- repeal of part.** (2) (a) The board IS A **TYPE 1** ENTITY, AS DEFINED IN  
23 SECTION 24-1-105, AND shall exercise its powers and perform its duties  
24 and functions under the division of real estate. ~~as if transferred to the~~  
25 ~~division by a type 1 transfer, as defined in the "Administrative~~  
26 ~~Organization Act of 1968", article 1 of title 24.~~

27 **SECTION 102.** In Colorado Revised Statutes, 12-10-703, **amend**

1 (2)(a) as follows:

2 **12-10-703. Board of mortgage loan originators - creation -**  
3 **compensation - enforcement of part after board creation - immunity.**

4 (2) (a) The board IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105,  
5 AND shall exercise its powers and perform its duties and functions under  
6 the department. ~~as if transferred to the department by a type 1 transfer, as~~  
7 ~~such transfer is defined in the "Administrative Organization Act of 1968",~~  
8 ~~article 1 of title 24.~~

9 **SECTION 103.** In Colorado Revised Statutes, 12-15-102, **amend**  
10 (1) as follows:

11 **12-15-102. Division of conservation - creation - director.**

12 (1) There is ~~hereby~~ created ~~within~~ IN the department the division of  
13 conservation, referred to in this article 15 as the "division". The executive  
14 director is authorized by this section to employ, subject to the provisions  
15 of the state personnel system laws of the state, a director of the division,  
16 who in turn shall employ such deputies, clerks, and assistants as are  
17 necessary to discharge the duties imposed by this article 15. The division  
18 and the director of the division ARE **TYPE 2** ENTITIES, AS DEFINED IN  
19 SECTION 24-1-105, AND shall exercise their powers and perform their  
20 duties and functions under the department. ~~as if they were transferred to~~  
21 ~~the department by a type 2 transfer.~~

22 **SECTION 104.** In Colorado Revised Statutes, 12-15-103, **amend**  
23 (1) introductory portion as follows:

24 **12-15-103. Conservation easement oversight commission -**  
25 **created - repeal.** (1) There is ~~hereby~~ created in the division a  
26 conservation easement oversight commission, referred to in this article 15  
27 as the "commission". The commission IS A **TYPE 2** ENTITY, AS DEFINED IN



1 SECTION 24-1-105, AND shall exercise its powers and perform its duties  
2 and functions under the division. ~~as if transferred thereto by a type 2~~  
3 ~~transfer, as defined in the "Administrative Organization Act of 1968",~~  
4 ~~article 1 of title 24.~~ The commission consists of eight members as  
5 follows:

6 **SECTION 105.** In Colorado Revised Statutes, 12-20-103, **amend**  
7 (1)(a) as follows:

8 **12-20-103. Division of professions and occupations - creation**  
9 **- duties of division and department head - office space - per diem for**  
10 **board or commission members - review of functions. (1) Division**  
11 **created.** (a) There is ~~hereby~~ created a division of professions and  
12 occupations in the department of regulatory agencies, the head of which  
13 is the director of professions and occupations. THE DIVISION OF  
14 PROFESSIONS AND OCCUPATIONS IS A **TYPE 2** ENTITY, AS DEFINED IN  
15 SECTION 24-1-105. The executive director of the department shall appoint  
16 the director in accordance with section 13 of article XII of the state  
17 constitution. Except as provided in subsection (1)(b) of this section, the  
18 director shall appoint other personnel as necessary for the efficient  
19 operation of the division. <{***DORA, do you want to add this?***}>

20 **SECTION 106.** In Colorado Revised Statutes, 12-100-104, **add**  
21 (1.5) as follows:

22 **12-100-104. State board of accountancy - subject to**  
23 **termination. (1.5) THE STATE BOARD OF ACCOUNTANCY IS A TYPE 1**  
24 **ENTITY, AS DEFINED IN SECTION 24-1-105.**

25 **SECTION 107.** In Colorado Revised Statutes, **amend**  
26 12-110-105 as follows:

27 **12-110-105. Office of combative sports - creation.** There is

1 hereby created within IN the division the office of combative sports. The  
2 office of combative sports and the Colorado combative sports  
3 commission, created in section 12-110-106, ARE **TYPE 2** ENTITIES, AS  
4 DEFINED IN SECTION 24-1-105, AND shall exercise their respective powers  
5 and perform their respective duties and functions as specified in this  
6 article 110 under the department. ~~as if the powers, duties, and functions~~  
7 ~~were transferred to the department by a type 2 transfer, as such transfer~~  
8 ~~is defined in the "Administrative Organization Act of 1968", article 1 of~~  
9 ~~title 24.~~

10 **SECTION 108.** In Colorado Revised Statutes, **amend**  
11 12-115-106 as follows:

12 **12-115-106. Board under department of regulatory agencies.**

13 The state electrical board ~~and its powers, duties, and functions are~~  
14 ~~transferred, effective July 1, 1978, by a type 1 transfer, as such transfer~~  
15 ~~is defined in the "Administrative Organization Act of 1968", article 1 of~~  
16 ~~title 24, to the department and allocated to the division~~ IS A **TYPE 1**  
17 ENTITY, AS DEFINED IN SECTION 24-1-105. THE STATE ELECTRICAL BOARD  
18 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS  
19 UNDER THE DEPARTMENT AND IS ALLOCATED TO THE DIVISION.

20 **SECTION 109.** In Colorado Revised Statutes, 12-120-103,  
21 **amend** (1) as follows:

22 **12-120-103. State board of licensure for architects,**  
23 **professional engineers, and professional land surveyors - creation -**  
24 **composition - appointment of members - terms - meetings - program**  
25 **director and staff - subject to review - repeal of article. (1) Board**  
26 **creation.** A state board of licensure for architects, professional engineers,  
27 and professional land surveyors is hereby created, the duty of which shall

1 ~~be~~ IS to administer the provisions of this article 120, including the duties  
2 and powers specified in section 12-120-104. THE STATE BOARD OF  
3 LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND  
4 PROFESSIONAL LAND SURVEYORS IS A **TYPE 1** ENTITY, AS DEFINED IN  
5 SECTION 24-1-105.

6 **SECTION 110.** In Colorado Revised Statutes, 12-150-104,  
7 **amend** (1) as follows:

8 **12-150-104. Passenger tramway safety board - composition.**

9 (1) There is ~~hereby~~ created IN THE DEPARTMENT OF REGULATORY  
10 AGENCIES AND ALLOCATED TO THE DIVISION OF PROFESSIONS AND  
11 OCCUPATIONS PURSUANT TO SECTION 24-1-122 (3)(q) a passenger  
12 tramway safety board of six appointive members and one member  
13 designated by the United States forest service. THE PASSENGER TRAMWAY  
14 SAFETY BOARD IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The  
15 appointive members ~~shall be~~ ARE appointed by the governor from persons  
16 representing the following interests: Two members to represent the  
17 industry or area operators; two members to represent the public at large;  
18 one member who is a licensed professional engineer not employed by a  
19 ski area or related industry; and one member familiar with or experienced  
20 in the tramway industry who may represent the passenger tramway  
21 manufacturing or design industry or an area operator. ~~No person shall be~~  
22 ~~so appointed or designated except those~~ THE GOVERNOR AND THE UNITED  
23 STATES FOREST SERVICE SHALL ONLY APPOINT OR DESIGNATE MEMBERS  
24 who, by reason of knowledge or experience, ~~shall be~~ ARE deemed to be  
25 qualified. The knowledge or experience ~~shall~~ MUST be either from active  
26 and relevant involvement in the design, manufacture, or operation of  
27 passenger tramways or as a result of extensive and relevant involvement

1 in related activities. The governor, in making appointments, shall consider  
2 recommendations made to ~~him or her~~ THE GOVERNOR by the membership  
3 of the particular interest from which the appointments are to be made.

4 **SECTION 111.** In Colorado Revised Statutes, 12-155-104,  
5 **amend** (1) as follows:

6 **12-155-104. State plumbing board - subject to review - repeal**  
7 **of article.** (1) There is ~~hereby established within~~ IN the division the state  
8 plumbing board. The board IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
9 24-1-105, AND shall exercise its powers and perform its duties and  
10 functions ~~in~~ UNDER the department of regulatory agencies. ~~as if it were~~  
11 ~~transferred to the department by a type 1 transfer, as such transfer is~~  
12 ~~defined in the "Administrative Organization Act of 1968", article 1 of title~~  
13 ~~24.~~

14 **SECTION 112.** In Colorado Revised Statutes, 12-215-104, **add**  
15 (1.5) as follows:

16 **12-215-104. State board of chiropractic examiners - board**  
17 **meetings - election of officers - subject to review - repeal of article.**  
18 (1.5) THE COLORADO STATE BOARD OF CHIROPRACTIC EXAMINERS IS A  
19 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

20 **SECTION 113.** In Colorado Revised Statutes, 12-220-105,  
21 **amend** (1)(a) as follows:

22 **12-220-105. Colorado dental board - qualifications of board**  
23 **members - quorum - panel - rules - review of functions - repeal of**  
24 **article.** (1) (a) The Colorado dental board is ~~hereby~~ created as the agency  
25 of this state for the regulation of the practice of dentistry in this state and  
26 to carry out the purposes of this article 220. The board IS A **TYPE 1**  
27 ENTITY, AS DEFINED IN SECTION 24-1-105, AND is subject to the

1 supervision and control of the division as provided by section 12-20-103  
2 (2).

3 **SECTION 114.** In Colorado Revised Statutes, 12-240-105,  
4 **amend** (1)(a) introductory portion as follows:

5 **12-240-105. Colorado medical board - immunity - subject to**  
6 **review - repeal of article.** (1) (a) There is ~~hereby~~ created the Colorado  
7 medical board, referred to in this article 240 as the "board". THE BOARD  
8 IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The board ~~shall~~  
9 ~~consist~~ CONSISTS of seventeen members appointed by the governor and  
10 possessing the qualifications specified in this article 240 and as follows:

11 **SECTION 115.** In Colorado Revised Statutes, 12-245-302,  
12 **amend** (1) as follows:

13 **12-245-302. State board of psychologist examiners - created -**  
14 **members - terms.** (1) There is ~~hereby~~ created a state board of  
15 psychologist examiners under the supervision and control of the division.  
16 THE STATE BOARD OF PSYCHOLOGIST EXAMINERS IS A **TYPE 1** ENTITY, AS  
17 DEFINED IN SECTION 24-1-105.

18 **SECTION 116.** In Colorado Revised Statutes, 12-245-402,  
19 **amend** (1) as follows:

20 **12-245-402. State board of social work examiners - created -**  
21 **members - terms.** (1) There is ~~hereby~~ created under the supervision and  
22 control of the division the state board of social work examiners, which  
23 ~~shall consist~~ CONSISTS of seven members who are residents of the state of  
24 Colorado. THE STATE BOARD OF SOCIAL WORK EXAMINERS IS A **TYPE 1**  
25 ENTITY, AS DEFINED IN SECTION 24-1-105.

26 **SECTION 117.** In Colorado Revised Statutes, 12-245-502,  
27 **amend** (1) as follows:

1           **12-245-502. State board of marriage and family therapist**  
2 **examiners - created - members - terms.** (1) There is hereby created  
3 under the supervision and control of the division the state board of  
4 marriage and family therapist examiners, which consists of seven  
5 members who are residents of the state of Colorado. THE STATE BOARD  
6 OF MARRIAGE AND FAMILY THERAPIST EXAMINERS IS A **TYPE 1** ENTITY, AS  
7 DEFINED IN SECTION 24-1-105.

8           **SECTION 118.** In Colorado Revised Statutes, 12-245-602,  
9 **amend** (1) as follows:

10           **12-245-602. State board of licensed professional counselor**  
11 **examiners - created - members - fines.** (1) There is hereby created the  
12 state board of licensed professional counselor examiners under the  
13 supervision and control of the division. The board IS A **TYPE 1** ENTITY, AS  
14 DEFINED IN SECTION 24-1-105, AND consists of seven members who are  
15 residents of the state of Colorado.

16           **SECTION 119.** In Colorado Revised Statutes, 12-245-702,  
17 **amend** (1) as follows:

18           **12-245-702. State board of unlicensed psychotherapists -**  
19 **creation - membership.** (1) There is hereby created the state board of  
20 unlicensed psychotherapists, which is under the supervision and control  
21 of the division as provided in section 12-20-103 (2). The board IS A **TYPE**  
22 **1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND consists of seven  
23 members who are residents of the state of Colorado.

24           **SECTION 120.** In Colorado Revised Statutes, 12-245-802,  
25 **amend** (1) as follows:

26           **12-245-802. State board of addiction counselor examiners -**  
27 **created - members - terms.** (1) There is hereby created a state board of

1 addiction counselor examiners under the supervision and control of the  
2 division. THE STATE BOARD OF ADDICTION COUNSELOR EXAMINERS IS A  
3 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. Once the governor  
4 appoints the board members and the board adopts necessary rules, the  
5 board is responsible for regulating addiction counselors pursuant to this  
6 part 8 and this article 245.

7 **SECTION 121.** In Colorado Revised Statutes, 12-255-105,  
8 **amend** (1)(a) introductory portion as follows:

9 **12-255-105. State board of nursing created - removal of board**  
10 **members - meetings of board.** (1) (a) There is ~~hereby~~ created the state  
11 board of nursing in the division, which IS A **TYPE 1** ENTITY, AS DEFINED  
12 IN SECTION 24-1-105. THE board consists of eleven members who are  
13 residents of this state, appointed by the governor as follows:

14 **SECTION 122.** In Colorado Revised Statutes, 12-265-106,  
15 **amend** (5) as follows:

16 **12-265-106. Board of examiners of nursing home**  
17 **administrators - creation - subject to termination.** (5) The board IS A  
18 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its  
19 powers and perform its duties and functions specified by this article 265  
20 under the department, the executive director, and the division. ~~as if the~~  
21 ~~same were transferred to the department by a **type 1** transfer, as such~~  
22 ~~transfer is defined in the "Administrative Organization Act of 1968",~~  
23 ~~article 1 of title 24.~~

24 **SECTION 123.** In Colorado Revised Statutes, 12-275-107,  
25 **amend** (1)(a) as follows:

26 **12-275-107. State board of optometry - created - members.**  
27 (1) (a) The state board of optometry, referred to in this article 275 as the

1 "board", is hereby created and is under the supervision and control of the  
2 division as provided by section 12-20-103 (2). THE BOARD IS A **TYPE 1**  
3 ENTITY, AS DEFINED IN SECTION 24-1-105. The board consists of five  
4 optometrists and two members-at-large, to be appointed by the governor  
5 to serve for terms of four years; except that no person shall be appointed  
6 to serve more than two consecutive terms. Each member of the board,  
7 except for the members-at-large, must have been actually engaged and  
8 licensed in the practice of optometry in Colorado for the five years  
9 preceding the member's appointment. At least one of the two  
10 members-at-large must not be a member or representative of, nor have  
11 any direct interest in, any profession, agency, or institution providing  
12 health services.

13 **SECTION 124.** In Colorado Revised Statutes, 12-280-104,  
14 **amend** (2) as follows:

15 **12-280-104. State board of pharmacy - creation - subject to**  
16 **review - repeal of parts.** (2) The board IS A **TYPE 1** ENTITY, AS DEFINED  
17 IN SECTION 24-1-105, AND shall exercise its powers and perform its duties  
18 and functions specified by this article 280 under the department and the  
19 executive director. ~~as if the same were transferred to the department by~~  
20 ~~a **type 1** transfer, as defined in the "Administrative Organization Act of~~  
21 ~~1968", article 1 of title 24.~~

22 **SECTION 125.** In Colorado Revised Statutes, 12-285-104,  
23 **amend** (3) as follows:

24 **12-285-104. Definitions.** As used in this article 285, unless the  
25 context otherwise requires:

26 (3) "Board" means the STATE physical therapy board created in  
27 section 12-285-105.



1           **SECTION 126.** In Colorado Revised Statutes, 12-285-105,  
2   **amend** (1)(b) as follows:

3           **12-285-105. State physical therapy board - created.** (1)(b) The  
4   board ~~exercises its powers and performs its duties and functions under the~~  
5   ~~division, as if the powers, duties, and functions were transferred to the~~  
6   ~~division by a type 1 transfer, as defined in the "Administrative~~  
7   ~~Organization Act of 1968", article 1 of title 24~~ IS A **TYPE 1** ENTITY, AS  
8   DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
9   PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DIVISION. The division  
10   shall provide necessary management support to the board under section  
11   12-20-103 (2).

12           **SECTION 127.** In Colorado Revised Statutes, 12-290-106,  
13   **amend** (1) introductory portion as follows:

14           **12-290-106. Powers and duties of board - limitation on**  
15   **authority - rules.** (1) The board shall regulate the practice of podiatry,  
16   AND IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The board  
17   shall exercise, subject to ~~the provisions of this article 290,~~ the following  
18   powers, ~~and~~ duties, AND FUNCTIONS:

19           **SECTION 128.** In Colorado Revised Statutes, 12-315-106, **add**  
20   (1.5) as follows:

21           **12-315-106. Board of veterinary medicine - creation - powers**  
22   **- rules.** (1.5) THE STATE BOARD OF VETERINARY MEDICINE IS A **TYPE 1**  
23   ENTITY, AS DEFINED IN SECTION 24-1-105.

24           **SECTION 129.** In Colorado Revised Statutes, 24-34-302, **amend**  
25   (1) as follows:

26           **24-34-302. Civil rights division - director - powers and duties.**  
27   (1) There is ~~hereby~~ created ~~within~~ IN the department of regulatory

1 agencies a division of state government ~~to be known and~~ designated as  
2 the Colorado civil rights division, the head of which ~~shall be~~ is the  
3 director of the Colorado civil rights division. The director ~~shall be~~ is  
4 appointed by the executive director of the department of regulatory  
5 agencies pursuant to section 13 of article XII of the state constitution, and  
6 the executive director shall give good faith consideration to the  
7 recommendations of the commission prior to making the appointment.  
8 THE COLORADO CIVIL RIGHTS DIVISION AND THE DIRECTOR OF THE  
9 COLORADO CIVIL RIGHTS DIVISION ARE **TYPE 1** ENTITIES, AS DEFINED IN  
10 SECTION 24-1-105.

11 **SECTION 130.** In Colorado Revised Statutes, 24-34-303, **amend**  
12 (1)(a) as follows:

13 **24-34-303. Civil rights commission - membership.**

14 (1) (a) There is ~~hereby~~ created ~~within~~ IN the division the Colorado civil  
15 rights commission. THE COMMISSION IS A **TYPE 1** ENTITY, AS DEFINED IN  
16 SECTION 24-1-105.

17 **SECTION 131.** In Colorado Revised Statutes, 40-2-101, **amend**  
18 (1) as follows:

19 **40-2-101. Creation - appointment - term - subject to**

20 **termination - repeal of part.** (1) (a) A public utilities commission is  
21 ~~hereby~~ created IN THE DEPARTMENT OF REGULATORY AGENCIES, which  
22 ~~shall be~~ IS known as the public utilities commission of the state of  
23 Colorado. ~~to consist~~ THE PUBLIC UTILITIES COMMISSION IS A **TYPE 1**  
24 ENTITY, AS DEFINED IN SECTION 24-1-105.

25 (b) THE PUBLIC UTILITIES COMMISSION CONSISTS of three members  
26 ~~who shall be~~ appointed by the governor with the consent of the senate.  
27 Persons holding office on July 1, 1993, shall continue to serve in such

1 office, but the term of one of these persons shall expire on the Monday  
2 preceding the second Tuesday of January, 1995, of another, the Monday  
3 preceding the second Tuesday of January, 1996, and of the third, the  
4 Monday preceding the second Tuesday of January, 1997, all as the  
5 governor shall designate; except that such designation shall not result in  
6 the extension of the term of any member to more than four years'  
7 duration. Thereafter, appointments shall be made for terms of four years.

8 **SECTION 132.** In Colorado Revised Statutes, 40-2-103, **amend**  
9 (1) as follows:

10 **40-2-103. Director - duties.** (1) The executive director of the  
11 department of regulatory agencies, pursuant to section 13 of article XII  
12 of the state constitution, and with the approval of the commission, shall  
13 appoint a director of the commission. The director shall manage the  
14 operations of the agency in order to carry out the public utilities law, to  
15 carry out and implement policies, procedures, and decisions made by the  
16 commission, and to meet the requirements of the commission concerning  
17 any matters within the authority of ~~an agency transferred by a type 1~~  
18 ~~transfer~~ ENTITY, as defined in section 24-1-105, ~~C.R.S.~~, and which  
19 requirements are under the jurisdiction of the commission. The director  
20 has all the powers and responsibilities of the division director for this  
21 purpose, including the power to issue all necessary process, writs,  
22 warrants, and notices. The director has the requisite power to serve  
23 warrants and other process in any county or city and county of this state  
24 and to delegate such actions to duly authorized employees or agents of the  
25 agency as appropriate.

26 **SECTION 133.** In Colorado Revised Statutes, 40-6.5-102,  
27 **amend** (2)(a) and (3)(a) as follows:

1           **40-6.5-102. Office of consumer counsel - creation -**  
2 **appointment - attorney general to represent.** (2) (a) The office of  
3 consumer counsel IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105,  
4 AND shall exercise its powers and perform its duties and functions  
5 specified in this ~~article~~ ARTICLE 6.5 under the department of regulatory  
6 agencies. ~~as if the same were transferred to the department by a type 1~~  
7 ~~transfer, as such transfer is defined in the "Administrative Organization~~  
8 ~~Act of 1968", article 1 of title 24, C.R.S.~~

9           (3) (a) The utility consumers' board ~~which is hereby~~ created AND  
10 shall guide the policy of the office of consumer counsel. The board IS A  
11 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its  
12 powers and perform its duties and functions specified in this ~~article~~  
13 ARTICLE 6.5 under the department of regulatory agencies and the  
14 executive director of the department of regulatory agencies. ~~as if the same~~  
15 ~~were transferred to the department by a type 1 transfer, as such transfer~~  
16 ~~is defined in the "Administrative Organization Act of 1968", article 1 of~~  
17 ~~title 24, C.R.S.~~

18           <{*Department of Agriculture*}>

19           **SECTION 134.** In Colorado Revised Statutes, 24-1-123, **amend**  
20 (2), (3), (4) introductory portion, (4)(a), (4)(b), (4)(c), (4)(d), (4)(e),  
21 (4)(g)(I), (4)(h), (4)(i), (5), (6), and (7) as follows:

22           **24-1-123. Department of agriculture - creation.** (2) The state  
23 agricultural commission, created by article 1 of title 35, ~~C.R.S., and its~~  
24 ~~powers, duties, and functions are transferred by a type 1 transfer to the~~  
25 ~~department of agriculture~~ IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
26 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
27 FUNCTIONS UNDER THE DEPARTMENT OF AGRICULTURE.

1           (3) The state department of agriculture and the office of  
2 commissioner of agriculture, created by article 1 of title 35, C.R.S., and  
3 ~~their powers, duties, and functions are transferred by a type 2 transfer to~~  
4 ~~the department of agriculture~~ ARE TYPE 2 ENTITIES, AS DEFINED IN  
5 SECTION 24-1-105. <{Ag, section 35-1-103 specifies that references to  
6 the state department of agriculture shall be construed as references to  
7 the department of agriculture. Are these the same entities? If so, do  
8 these changes make sense?}>

9           (4) The department of agriculture ~~shall consist~~ CONSISTS of the  
10 following divisions:

11           (a) THE division of markets, the head of which ~~shall be~~ IS the  
12 **director** of the division of markets. The division of markets and the office  
13 of **chief** thereof, created by article 1 of title 35, C.R.S., and ~~their powers,~~  
14 ~~duties, and functions are transferred by a type 2 transfer to the department~~  
15 ~~of agriculture as the division of markets~~ ARE TYPE 2 ENTITIES, AS DEFINED  
16 IN SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM  
17 THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF AGRICULTURE.  
18 <{Ag: are the director and the chief in subsection (4) the same  
19 position? If so, can "chief" be changed to director for consistency?}>

20           (b) THE division of plant industry, the head of which ~~shall be~~ IS  
21 the **director** of the division of plant industry. The division of plant  
22 industry and the office of **chief** thereof, created by article 1 of title 35,  
23 C.R.S., and ~~their powers, duties, and functions are transferred by a type~~  
24 ~~2 transfer to the department of agriculture as the division of plant industry~~  
25 ARE TYPE 2 ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL  
26 EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS  
27 UNDER THE DEPARTMENT OF AGRICULTURE.

1 (c) (I) THE division of animal industry, the head of which shall be  
2 is the **director** of the division of animal industry. The division of animal  
3 industry and the office of **chief** thereof, created by article 1 of title 35,  
4 C.R.S., and their powers, duties, and functions are transferred by a **type**  
5 **2** transfer to the department of agriculture as the division of animal  
6 industry ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND  
7 SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND  
8 FUNCTIONS UNDER THE DEPARTMENT OF AGRICULTURE.

9 (II) The state bureau of animal protection, created by article 42 of  
10 title 35. C.R.S., and its powers, duties, and functions are transferred by a  
11 **type 2** transfer to the department of agriculture and allocated to the  
12 division of animal industry as a section thereof THE STATE BUREAU OF  
13 ANIMAL PROTECTION IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
14 24-1-105. THE STATE BUREAU OF ANIMAL PROTECTION SHALL EXERCISE  
15 ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
16 DEPARTMENT OF AGRICULTURE AND IS ALLOCATED TO THE DIVISION OF  
17 ANIMAL INDUSTRY AS A SECTION THEREOF.

18 (d) THE division of administrative services, the head of which  
19 shall be is the **director** of THE administrative services division. The  
20 division of administrative services and the office of **chief** thereof, created  
21 by article 1 of title 35, C.R.S., and their powers, duties, and functions are  
22 transferred by a **type 2** transfer to the department of agriculture as the  
23 division of administrative services ARE **TYPE 2** ENTITIES, AS DEFINED IN  
24 SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM  
25 THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF AGRICULTURE.  
26 <{Ag, is the correct name the division of administrative services or the  
27 administrative services division (as it is in 35-1-108)? Do you want this

1 *section to be consistent?*>

2 (e) THE division of inspection and consumer services, the head of  
3 which ~~shall be~~ IS the **director** of inspection and consumer services  
4 division. The division of inspection and consumer services and the office  
5 of **chief** thereof, created by article 1 of title 35, C.R.S., ~~and their powers,~~  
6 ~~duties, and functions are transferred by a type 2 transfer to the department~~  
7 ~~of agriculture as the division of inspection and consumer services.~~ ARE  
8 **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE  
9 THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE  
10 DEPARTMENT OF AGRICULTURE. <*Ag, same question here about the*  
11 *name of the division.*>

12 (g) (I) THE division of brand inspection, the head of which ~~shall~~  
13 ~~be~~ IS the brand commissioner. The state board of stock inspection  
14 commissioners and the office of brand commissioner, created by article  
15 41 of title 35, C.R.S., ~~and their powers, duties, and functions are~~  
16 ~~transferred by a type 1 transfer to the department of agriculture as a part~~  
17 ~~of the division of brand inspection~~ ARE **TYPE 1** ENTITIES, AS DEFINED IN  
18 SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM  
19 THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF AGRICULTURE  
20 AS A PART OF THE DIVISION OF BRAND INSPECTION. <*Ag, is the division*  
21 *of brand inspection a type 1 entity? If so, should this section specify*  
22 *that?*>

23 (h) (I) The Colorado state fair authority, the head of which ~~shall~~  
24 ~~be~~ IS the manager of the Colorado state fair and industrial exposition. The  
25 Colorado state fair authority and the office of THE manager of the  
26 Colorado state fair and industrial exposition, created by part 4 of article  
27 65 of title 35, C.R.S., ~~shall exercise their powers duties and functions as~~

1 ~~a division of the department of agriculture as if the same were transferred~~  
2 ~~by a type 1 transfer to the department of agriculture~~ ARE **TYPE 1** ENTITIES,  
3 AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS  
4 AND PERFORM THEIR DUTIES AND FUNCTIONS AS A DIVISION OF THE  
5 DEPARTMENT OF AGRICULTURE.

6 (II) The Colorado state fair authority ~~shall include~~ INCLUDES the  
7 board of commissioners of the Colorado state fair authority, created by  
8 part 4 of article 65 of title 35. ~~C.R.S., which~~ THE BOARD OF  
9 COMMISSIONERS OF THE COLORADO STATE FAIR AUTHORITY IS A **TYPE 1**  
10 ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its powers  
11 and perform its duties and functions as specified by law under the  
12 department of agriculture as a part of the Colorado state fair authority. ~~as~~  
13 ~~if the same were transferred by a type 1 transfer.~~

14 (i) The state conservation board, created in article 70 of title 35.  
15 ~~C.R.S. All its powers, duties, and functions are transferred by a type 1~~  
16 ~~transfer to the department of agriculture as a division thereof~~ THE STATE  
17 CONSERVATION BOARD IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
18 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
19 FUNCTIONS UNDER THE DEPARTMENT OF AGRICULTURE AS A DIVISION  
20 THEREOF. The employees of the state conservation board appointed  
21 pursuant to section 35-70-103 ~~(5)(g), C.R.S.,~~ are transferred to the  
22 department of agriculture. ~~by a type 2 transfer.~~

23 (5) The Colorado wine industry development board, created by  
24 article 29.5 of title 35, ~~C.R.S., and its powers, duties, and functions are~~  
25 ~~transferred as if by a type 1 transfer to the department of agriculture~~ IS A  
26 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE  
27 ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE



1 DEPARTMENT OF AGRICULTURE.

2 (6) The aquaculture board, created by article 24.5 of title 35,  
3 ~~C.R.S.~~, IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall  
4 exercise its powers and perform its duties and functions as specified by  
5 law under the department of agriculture and the executive director  
6 thereof. ~~as if the same were transferred to the department by a type 2~~  
7 ~~transfer.~~

8 (7) The Colorado agricultural value-added development board,  
9 created in section 35-75-203, ~~C.R.S.~~, IS A **TYPE 1** ENTITY, AS DEFINED IN  
10 SECTION 24-1-105, AND shall exercise its powers and perform its duties  
11 and functions as specified by law under the department. ~~as if the same~~  
12 ~~were transferred to the department by a type 1 transfer.~~

13 **SECTION 135.** In Colorado Revised Statutes, 35-1-105, **amend**  
14 (1)(a) as follows:

15 **35-1-105. State agricultural commission - creation -**  
16 **composition.** (1) (a) There is ~~hereby~~ created the state agricultural  
17 commission, referred to in this ~~article~~ ARTICLE 35 as the "commission",  
18 which ~~shall consist~~ CONSISTS of nine members ~~each of whom shall be~~  
19 appointed by the governor, with the consent of the senate, for terms of  
20 four years each. Of such members, one member ~~shall~~ MUST be appointed  
21 from each of the four agricultural districts, as defined in ~~paragraph (c) of~~  
22 ~~this subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION, and five members  
23 ~~shall~~ MUST be appointed from the state at large; except that no more than  
24 three members ~~shall~~ MAY be appointed from any one agricultural district.  
25 No more than five of the nine members ~~shall~~ MAY be members of the  
26 same political party. THE COMMISSION IS A **TYPE 1** ENTITY, AS DEFINED IN  
27 SECTION 24-1-105.

1           **SECTION 136.** In Colorado Revised Statutes, **amend** 35-1-108  
2 as follows:

3           **35-1-108. Divisions created.** There is ~~hereby~~ created in the  
4 department an administrative services division, a division of plant  
5 industry, a division of animal industry, a division of markets, and a  
6 division of inspection and consumer services. THESE DIVISIONS ARE **TYPE**  
7 **2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

8           **SECTION 137.** In Colorado Revised Statutes, 35-24.5-104,  
9 **amend** (6) as follows:

10           **35-24.5-104. Aquaculture board.** (6) The board IS A **TYPE 2**  
11 ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its powers  
12 and perform its duties and functions specified in this ~~article~~ ARTICLE 24.5  
13 under the department and the executive director thereof. ~~as if the same~~  
14 ~~were transferred to the department by a type 2 transfer, as such transfer~~  
15 ~~is defined in the "Administrative Organization Act of 1968", article 1 of~~  
16 ~~title 24, C.R.S.~~

17           **SECTION 138.** In Colorado Revised Statutes, 35-29.5-103,  
18 **amend** (1) as follows:

19           **35-29.5-103. Colorado wine industry development board -**  
20 **creation - members.** (1) There is ~~hereby~~ established a Colorado wine  
21 industry development board in the department of agriculture for the  
22 purpose of encouraging and promoting viticultural and enological  
23 research and experimentation to develop maximum yields and quality  
24 from Colorado lands suitable to the production of grapes for commercial  
25 wine production, to promote the marketing of wines and wine grapes  
26 produced in Colorado, to promote the responsible consumption of all  
27 wines, to promote the integration of the Colorado wine industry as a

1 component of the state's tourism program, and to serve as a resource for  
2 the entire wine industry of Colorado. The board IS A **TYPE 1** ENTITY, AS  
3 DEFINED IN SECTION 24-1-105, AND shall exercise its powers and perform  
4 its duties and functions specified by this ~~article~~ ARTICLE 29.5 under the  
5 department of agriculture. ~~as if the same were transferred to the~~  
6 ~~department by a type 1 transfer, as such transfer is defined in the~~  
7 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~

8 **SECTION 139.** In Colorado Revised Statutes, 35-41-101, **amend**  
9 (4) as follows:

10 **35-41-101. State board of stock inspection commissioners -**  
11 **creation - brand commissioner - enterprise - bonds.** (4) The state  
12 board of stock inspection commissioners and the office of brand  
13 commissioner created by this section ~~shall comprise a part of~~ ARE PART  
14 OF the division of brand inspection in the department of agriculture. THE  
15 STATE BOARD OF STOCK INSPECTION COMMISSIONERS AND THE OFFICE OF  
16 BRAND COMMISSIONER ARE **TYPE 1** ENTITIES, AS DEFINED IN SECTION  
17 24-1-105.

18 **SECTION 140.** In Colorado Revised Statutes, **amend** 35-42-105  
19 as follows:

20 **35-42-105. State bureau of animal protection - creation.** There  
21 is ~~hereby~~ created IN THE DEPARTMENT OF AGRICULTURE the state bureau  
22 of animal protection, referred to in this ~~article~~ ARTICLE 42 as the "bureau".  
23 THE BUREAU IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

24 **SECTION 141.** In Colorado Revised Statutes, 35-65-401, **amend**  
25 (1)(a) and (2)(b) as follows:

26 **35-65-401. Colorado state fair authority - creation - board -**  
27 **powers and duties.** (1) (a) The Colorado state fair authority, as it existed

1 prior to June 30, 1997, is abolished. There is ~~hereby~~ created the Colorado  
2 state fair authority ~~which is created within~~ IN the department of  
3 agriculture as a division thereof. The Colorado state fair authority IS A  
4 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its  
5 powers AND PERFORM ITS duties and functions under the department of  
6 agriculture. ~~as if it were transferred to said department by a type 1~~  
7 ~~transfer under the provisions of the "Administrative Organization Act of~~  
8 ~~1968"~~.

9 (2) (b) There is ~~hereby~~ created the board of commissioners of the  
10 Colorado state fair authority, which ~~shall have~~ CONSISTS OF eleven  
11 members, ten of whom ~~shall be~~ ARE appointed by the governor with the  
12 consent of the senate and one who ~~shall be~~ IS the commissioner of  
13 agriculture or his or her designee. At no time ~~shall~~ MAY more than six  
14 members of the board be affiliated with the same political party as the  
15 governor. Within thirty days after June 30, 1997, the governor shall  
16 appoint the initial members of the board. The governor may appoint, as  
17 a member of the board, any person who was a member of the board prior  
18 to its termination. THE BOARD OF COMMISSIONERS OF THE COLORADO  
19 STATE FAIR AUTHORITY IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
20 24-1-105.

21 **SECTION 142.** In Colorado Revised Statutes, 35-65-403, **amend**  
22 (2) as follows:

23 **35-65-403. Office of manager of the Colorado state fair**  
24 **authority - creation.** (2) The manager ~~shall be~~ IS the chief  
25 administrative head of the Colorado state fair authority under the  
26 direction and supervision of the board; ~~and shall have~~ HAS general  
27 supervision and control of all activities, functions, and employees of the

1 Colorado state fair authority; and shall exercise all necessary powers  
2 incident thereto. The manager shall exercise all the powers and functions  
3 of the board in the interim of its meetings and shall perform such other  
4 duties as ~~may be~~ prescribed by the board or by law. THE OFFICE OF  
5 MANAGER IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

6 **SECTION 143.** In Colorado Revised Statutes, 35-70-103, **amend**  
7 (1)(a) introductory portion as follows:

8 **35-70-103. State conservation board - composition - powers.**

9 (1) (a) There is ~~hereby~~ created in the department of agriculture the state  
10 conservation board, referred to in this ~~article~~ ARTICLE 70 as the "state  
11 board", which ~~shall consist~~ CONSISTS of nine members. THE STATE BOARD  
12 IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. One member ~~shall~~  
13 OF THE STATE BOARD MUST be a qualified elector of the state appointed  
14 by the governor from the state at large for a term commencing January 1,  
15 1974. The remaining eight positions on the state board shall be filled by  
16 elections held within the areas described in this section. The boards of  
17 supervisors of local conservation districts within each such area shall  
18 elect the number of members specified in this subsection (1) between  
19 November 1 and December 31 in 1973 for terms commencing January 1,  
20 1974, and within such dates in succeeding years as necessary to fill  
21 expiring terms. A candidate ~~shall~~ MUST be or ~~shall~~ have been an elected  
22 supervisor of a local conservation district. The number of members to be  
23 elected and the areas from which they are to be elected are as follows:

24 **SECTION 144.** In Colorado Revised Statutes, 35-75-203, **amend**  
25 (1) as follows:

26 **35-75-203. Colorado agricultural value-added development**  
27 **board - creation - members.** (1) There is ~~hereby~~ created ~~within~~ IN the

1 department the Colorado agricultural value-added development board for  
2 the purpose of encouraging and promoting agricultural business projects  
3 that add value to agricultural products and aid the economies of rural  
4 communities. THE COLORADO AGRICULTURAL VALUE-ADDED  
5 DEVELOPMENT BOARD IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
6 24-1-105.

7 *<{**Department of Natural Resources**}>*

8 **SECTION 145.** In Colorado Revised Statutes, 24-1-124, **amend**  
9 (2), (2.1) introductory portion, (2.1)(a), (2.1)(c), (3)(a), (3)(b), (3)(d),  
10 (3)(e) introductory portion, (3)(e)(I), (3)(e)(II), (3)(e)(III), (3)(f), (3)(j),  
11 (3)(k), (4) introductory portion, (4)(a), (4)(b), (4)(c), and (4)(d) as  
12 follows:

13 **24-1-124. Department of natural resources - creation -**  
14 **divisions.** (2) The office of natural resources coordinator, created by  
15 article 33 of this title, ~~and its powers, duties, and functions are transferred~~  
16 ~~by a type 2 transfer to the department of natural resources~~ TITLE 24, IS A  
17 **TYPE 2** ENTITY AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS  
18 POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
19 DEPARTMENT OF NATURAL RESOURCES. *<{**DNR, pursuant to section***  
20 ***24-33-101, references to the office of natural resources coordinator is***  
21 ***construed as referring to the executive director of DNR. Do you want***  
22 ***to make that change here?** }>*

23 (2.1) The department of natural resources ~~shall include~~ INCLUDES,  
24 as a part of the office of the executive director:

25 (a) The office of commissioner of mines, created by section 1 of  
26 article XVI of the state constitution. ~~Its powers, duties, and functions are~~  
27 ~~transferred by a type 2 transfer to the office of the executive director of~~

1 ~~the department of natural resources.~~ THE OFFICE OF COMMISSIONER OF  
2 MINES IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL  
3 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER  
4 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES.  
5 <{DNR, pursuant to section 24-1-124 (1), the head of the department  
6 of natural resources is the commissioner of mines. Should the language  
7 say that the commissioner exercises powers, duties, and functions under  
8 the department rather than the director?}>

9 (c) The Colorado avalanche information center, created pursuant  
10 to section 24-33-116. The powers, duties, and functions are transferred by  
11 a **type 2** transfer to the department of natural resources, and allocated to  
12 the office of the executive director COLORADO AVALANCHE INFORMATION  
13 CENTER IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL  
14 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER  
15 THE DEPARTMENT OF NATURAL RESOURCES.

16 (3) The department of natural resources consists of the following  
17 divisions:

18 (a) THE division of water resources, the head of which shall be  
19 the state engineer, AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION;  
20 <{DNR: There is no type stated for the division of water resources.  
21 Does it currently function as a type 1 or type 2 entity? Or is it OK to be  
22 silent because everything under it as listed in subsection (4) already has  
23 a type? If you do not want to specify type 1 or 2, this section can be  
24 removed from the bill.}>

25 (b) The Colorado water conservation board and the office of  
26 director thereof, created by article 60 of title 37. C.R.S. Their powers,  
27 duties, and functions are transferred by a **type 1** transfer to the department

1 ~~of natural resources as a division thereof.~~ THE COLORADO WATER  
2 CONSERVATION BOARD AND THE OFFICE OF THE DIRECTOR ARE **TYPE 1**  
3 ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE THEIR  
4 POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE  
5 DEPARTMENT OF NATURAL RESOURCES AS A DIVISION THEREOF.

6 (d) The state board of land commissioners, created by section 9 of  
7 article IX of the state constitution. ~~Its powers, duties, and functions are~~  
8 ~~transferred by a type 1 transfer to the department of natural resources as~~  
9 ~~a division thereof, subject to the state constitution.~~ THE STATE BOARD OF  
10 LAND COMMISSIONERS IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
11 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
12 FUNCTIONS UNDER THE DEPARTMENT OF NATURAL RESOURCES AS A  
13 DIVISION THEREOF, SUBJECT TO THE STATE CONSTITUTION.

14 (e) The division of reclamation, mining, and safety, created by IN  
15 section 34-20-103, C.R.S., the head of which ~~shall be~~ IS the director of the  
16 division of reclamation, mining, and safety, under the supervision of the  
17 executive director of the department of natural resources. ~~Said~~ THE  
18 division and director ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
19 24-1-105, AND shall exercise their powers AND PERFORM THEIR duties and  
20 functions as prescribed by law under the department of natural resources  
21 and the executive director thereof. ~~as if the same were transferred to the~~  
22 ~~department by a type 2 transfer.~~ The division of reclamation, mining, and  
23 safety ~~shall include~~ INCLUDES the following:

24 (I) The coal mine board of examiners, created by IN article 22 of  
25 title 34. C.R.S. ~~Its powers, duties, and functions are transferred by a type~~  
26 ~~2 transfer to the department of natural resources as a section of the~~  
27 ~~division of reclamation, mining, and safety.~~ THE COAL MINE BOARD OF



1 EXAMINERS IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
2 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS  
3 UNDER THE DEPARTMENT OF NATURAL RESOURCES AS A SECTION OF THE  
4 DIVISION OF RECLAMATION, MINING, AND SAFETY.

5 (II) The mined land reclamation board and the office of mined  
6 land reclamation, created ~~by~~ IN article 32 of title 34. ~~C.R.S.~~ The mined  
7 land reclamation board ~~and its powers, duties, and functions are~~  
8 ~~transferred by a type 1 transfer to the department of natural resources,~~  
9 ~~and allocated to the division of reclamation, mining, and safety~~ IS A **TYPE**  
10 **1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS  
11 POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
12 DEPARTMENT OF NATURAL RESOURCES AND IS ALLOCATED TO THE  
13 DIVISION OF RECLAMATION, MINING, AND SAFETY. The office of mined  
14 land reclamation ~~shall exercise its powers, duties, and functions as if the~~  
15 ~~same were transferred to the department of natural resources and~~  
16 ~~allocated to the division of reclamation, mining, and safety as a section~~  
17 ~~thereof. by a type 2 transfer~~ IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
18 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
19 FUNCTIONS UNDER THE DEPARTMENT OF NATURAL RESOURCES AND IS  
20 ALLOCATED TO THE DIVISION OF RECLAMATION, MINING, AND SAFETY AS  
21 A SECTION THEREOF.

22 (III) The office of active and inactive mines, created ~~by~~ IN article  
23 21 of title 34. ~~C.R.S.~~ Said office ~~shall exercise its powers duties and~~  
24 ~~functions as prescribed by law under the division of reclamation, mining,~~  
25 ~~and safety as if the same were transferred to the department of natural~~  
26 ~~resources and allocated to the division of reclamation, mining, and safety~~  
27 ~~as a section thereof by a type 2 transfer~~ THE OFFICE OF ACTIVE AND

1 INACTIVE MINES IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105,  
2 AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
3 FUNCTIONS AS PRESCRIBED BY LAW UNDER THE DEPARTMENT OF NATURAL  
4 RESOURCES AND IS ALLOCATED TO THE DIVISION OF RECLAMATION,  
5 MINING, AND SAFETY AS A SECTION THEREOF.

6 (f) The oil and gas conservation commission of the state of  
7 Colorado and the office of the director thereof, created by IN article 60 of  
8 title 34. C.R.S. ~~Said commission and office and the powers, duties, and~~  
9 ~~functions thereof are transferred by a type 1 transfer to the department of~~  
10 ~~natural resources as a division thereof~~ THE OIL AND GAS CONSERVATION  
11 COMMISSION OF THE STATE OF COLORADO AND THE OFFICE OF THE  
12 DIRECTOR ARE **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND  
13 SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND  
14 FUNCTIONS UNDER THE DEPARTMENT OF NATURAL RESOURCES AS A  
15 DIVISION THEREOF.

16 (j) The division of forestry, created in section 24-33-201 (1), the  
17 head of which ~~shall be~~ IS the state forester, appointed pursuant to section  
18 23-31-207. C.R.S. The division of forestry and the state forester ~~shall~~  
19 ~~exercise their powers, duties, and functions as prescribed by law under~~  
20 ~~the department of natural resources and the executive director thereof as~~  
21 ~~if the same were transferred to the department by a type 2 transfer~~ ARE  
22 **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE  
23 THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS AS  
24 PRESCRIBED BY LAW UNDER THE DEPARTMENT OF NATURAL RESOURCES  
25 AND THE EXECUTIVE DIRECTOR THEREOF. <{*In what department is the*  
26 *division of forestry? Here and in 24-33-201 it seems to be in DNR but*  
27 *it cross references to 23-31-201, which says in (2)(a) that the forestry*

1 *functions of the board of governors of CSU were transferred to the*  
2 *wildland fire management section in the division of fire prevention and*  
3 *control in DPS created in section 24-33.5-1201.*>

4 (k) (I) (A) The parks and wildlife commission, created in article  
5 9 of title 33. ~~C.R.S.~~ The powers, duties, and functions of the PARKS AND  
6 WILDLIFE COMMISSION INCLUDE THE POWERS, DUTIES, AND FUNCTIONS OF  
7 THE wildlife commission and the board of parks and outdoor recreation.  
8 ~~are transferred by a type 1 transfer to the parks and wildlife commission~~  
9 ~~as powers, duties, and functions of the parks and wildlife commission.~~  
10 THE PARKS AND WILDLIFE COMMISSION IS A **TYPE 1** ENTITY, AS DEFINED  
11 IN SECTION 24-1-105.

12 (B) The parks and wildlife commission includes, as an advisory  
13 council, the Colorado natural areas council created by IN article 33 of title  
14 33. ~~C.R.S.~~ <*DNR, does this council currently operate as a type 1 or 2*  
15 *entity? Should this be specified here and in section 33-33-106?*>

16 (II) (A) The division of parks and wildlife, the head of which is  
17 the director of the division of parks and wildlife, CREATED IN SECTION  
18 33-9-104. The division of parks and wildlife and the office of the director  
19 of the division of parks and wildlife ~~are transferred by a type 1 transfer~~  
20 ~~to the department of natural resources~~ ARE **TYPE 1** ENTITIES, AS DEFINED  
21 IN SECTION 24-1-105.

22 (B) The division of parks and wildlife includes the fish health  
23 board created by article 5.5 of title 33. ~~C.R.S.~~ The fish health board IS A  
24 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its  
25 powers and perform its duties and functions as specified by law under the  
26 department of natural resources and the executive director of the  
27 department of natural resources. ~~as if the same were transferred to the~~

1 department by a ~~type 2~~ transfer.

2 (4) The division of water resources ~~shall include~~ INCLUDES the  
3 following:

4 (a) The office of THE state engineer, created ~~by~~ IN article 80 of  
5 title 37. ~~C.R.S. Said office and its powers, duties, and functions are~~  
6 ~~transferred by a type 1 transfer to the department of natural resources,~~  
7 ~~and allocated to the division of water resources as a section thereof~~ THE  
8 OFFICE OF THE STATE ENGINEER IS A **TYPE 1** ENTITY, AS DEFINED IN  
9 SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS  
10 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF NATURAL RESOURCES  
11 AND IS ALLOCATED TO THE DIVISION OF WATER RESOURCES AS A SECTION  
12 THEREOF.

13 (b) The division engineers, created ~~by~~ IN part 2 of article 92 of  
14 title 37. ~~C.R.S. Said engineers and their powers, duties, and functions are~~  
15 ~~transferred by a type 1 transfer to the department of natural resources,~~  
16 ~~and allocated to the division of water resources as a section thereof~~ THE  
17 DIVISION ENGINEERS ARE **TYPE 1** ENTITIES, AS DEFINED IN SECTION  
18 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM THEIR  
19 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF NATURAL RESOURCES  
20 AND ARE ALLOCATED TO THE DIVISION OF WATER RESOURCES AS A  
21 SECTION THEREOF.

22 (c) The ground water commission, created ~~by~~ IN article 90 of title  
23 37. ~~C.R.S. Said commission and its powers, duties, and functions are~~  
24 ~~transferred by a type 1 transfer to the department of natural resources,~~  
25 ~~and allocated to the division of water resources as a section thereof~~ THE  
26 GROUND WATER COMMISSION IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
27 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND

1 FUNCTIONS UNDER THE DEPARTMENT OF NATURAL RESOURCES AND IS  
2 ALLOCATED TO THE DIVISION OF WATER RESOURCES AS A SECTION  
3 THEREOF.

4 (d) The state board of examiners of water well construction and  
5 pump installation contractors, created by IN article 91 of title 37. ~~C.R.S.~~  
6 ~~Said board and its powers, duties, and functions are transferred by a type~~  
7 ~~1 transfer to the department of natural resources and allocated to the~~  
8 ~~division of water resources as a section thereof~~ THE STATE BOARD OF  
9 EXAMINERS OF WATER WELL CONSTRUCTION AND PUMP INSTALLATION  
10 CONTRACTORS IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
11 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS  
12 UNDER THE DEPARTMENT OF NATURAL RESOURCES AND IS ALLOCATED TO  
13 THE DIVISION OF WATER RESOURCES AS A SECTION THEREOF.

14 **SECTION 146.** In Colorado Revised Statutes, 24-33-116, **amend**  
15 (1) as follows:

16 **24-33-116. Colorado avalanche information center - creation**  
17 **- duties - fund.** (1) There is hereby created in the department of natural  
18 resources IN THE OFFICE OF THE EXECUTIVE DIRECTOR OF THE  
19 DEPARTMENT, the Colorado avalanche information center to promote  
20 safety by reducing the impact of avalanches on recreation, industry, and  
21 transportation in the state through a program of avalanche forecasting and  
22 education. THE COLORADO AVALANCHE INFORMATION CENTER IS A **TYPE**  
23 **2** ENTITY, AS DEFINED IN SECTION 24-1-105.

24 **SECTION 147.** In Colorado Revised Statutes, 24-33-201, **amend**  
25 (1) as follows:

26 **24-33-201. Division of forestry - creation - state forest service**  
27 **agreement.** (1) There is hereby created the division of forestry in the

1 department of natural resources. THE DIVISION OF FORESTRY IS A **TYPE 2**  
2 ENTITY, AS DEFINED IN SECTION 24-1-105. The executive director of the  
3 department of natural resources shall enter into an agreement with  
4 Colorado state university, through the board of governors of the Colorado  
5 state university system, to cooperate in the state's efforts to improve the  
6 management and health of Colorado's forests and to provide staff for the  
7 division of forestry.

8 **SECTION 148.** In Colorado Revised Statutes, 33-5.5-101,  
9 **amend** (6) as follows:

10 **33-5.5-101. Fish health board - created.** (6) The fish health  
11 board IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall  
12 exercise its powers and perform its duties and functions specified in this  
13 ~~article~~ ARTICLE 5.5 under the department and the executive director  
14 thereof. ~~as if the same were transferred to the department by a type 2~~  
15 ~~transfer, as such transfer is defined in the "Administrative Organization~~  
16 ~~Act of 1968", article 1 of title 24, C.R.S.~~

17 **SECTION 149.** In Colorado Revised Statutes, 33-9-101, **amend**  
18 (9) as follows:

19 **33-9-101. Commission - creation - composition - terms -**  
20 **vacancies - removal - meetings - strategic plan - legislative**  
21 **declaration.** (9) The commission IS A **TYPE 1** ENTITY, AS DEFINED IN  
22 SECTION 24-1-105, AND shall exercise its powers and perform its duties  
23 and functions under the department and the executive director of the  
24 department. ~~as if the same were transferred to the department by a type~~  
25 ~~1 transfer, as defined in the "Administrative Organization Act of 1968",~~  
26 ~~article 1 of title 24, C.R.S.~~

27 **SECTION 150.** In Colorado Revised Statutes, 33-9-104, **amend**

1 (2) as follows:

2 **33-9-104. Division of parks and wildlife - creation - duties.**

3 (2) The division IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105,  
4 AND shall exercise its powers and perform its duties and functions  
5 specified in this ~~title~~ TITLE 33 under the department of natural resources  
6 and the executive director thereof. ~~as if the same were transferred to the~~  
7 ~~department by a type 1 transfer as defined in the "Administrative~~  
8 ~~Organization Act of 1968", article 1 of title 24, C.R.S.~~ The division has  
9 all the powers, duties, obligations, and functions previously exercised by  
10 the division of wildlife or the division of parks and outdoor recreation, as  
11 those divisions existed on June 30, 2011.

12 **SECTION 151.** In Colorado Revised Statutes, 34-20-103, **amend**  
13 (1) as follows:

14 **34-20-103. Division of reclamation, mining, and safety -**  
15 **creation - powers and duties - transfer of functions and property -**  
16 **change of statutory references.** (1) There is ~~hereby~~ created the division  
17 of reclamation, mining, and safety in the department of natural resources.  
18 Pursuant to section 13 of article XII of the state constitution, the  
19 executive director of the department of natural resources shall appoint the  
20 director of the division of reclamation, mining, and safety, and the  
21 director shall appoint such employees as are necessary to carry out the  
22 duties and exercise the powers conferred by law upon the division and the  
23 director. Appointing authority for such employees may be delegated by  
24 the director to the heads of the offices in the division as appropriate. THE  
25 DIVISION OF RECLAMATION, MINING, AND SAFETY AND THE DIRECTOR OF  
26 THE DIVISION ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

27 **SECTION 152.** In Colorado Revised Statutes, 34-21-101, **amend**

1 (1) introductory portion as follows:

2 **34-21-101. Office of active and inactive mines - creation -**  
3 **duties.** (1) There is ~~hereby~~ created in the division of reclamation, mining,  
4 and safety in the department of natural resources the office of active and  
5 inactive mines, the head of which ~~shall be~~ is appointed by the director of  
6 the division. THE OFFICE OF ACTIVE AND INACTIVE MINES IS A **TYPE 2**  
7 ENTITY, AS DEFINED IN SECTION 24-1-105. The office ~~shall have~~ HAS the  
8 following duties:

9 **SECTION 153.** In Colorado Revised Statutes, 34-22-102, **add** (5)  
10 as follows:

11 **34-22-102. Board of examiners - created - duties - members.**  
12 (5) THE COAL MINE BOARD OF EXAMINERS IS A **TYPE 2** ENTITY, AS  
13 DEFINED IN SECTION 24-1-105.

14 **SECTION 154.** In Colorado Revised Statutes, 34-32-105, **amend**  
15 (1) and (3) as follows:

16 **34-32-105. Office of mined land reclamation - mined land**  
17 **reclamation board - created.** (1) There is ~~hereby~~ created, in the division  
18 of reclamation, mining, and safety in the department of natural resources,  
19 the office of mined land reclamation and, in the department of natural  
20 resources, the mined land reclamation board. The head of the office of  
21 mined land reclamation ~~shall be~~ is appointed by the director. The head of  
22 the office of mined land reclamation ~~shall~~ MUST have professional and  
23 supervisory experience in mined land reclamation, mining, or natural  
24 resource planning and management. THE OFFICE OF MINED LAND  
25 RECLAMATION IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

26 (3) The MINED LAND RECLAMATION board IS A **TYPE 1** ENTITY, AS  
27 DEFINED IN SECTION 24-1-105, AND shall exercise its powers and perform



1 its duties and functions specified in this ~~article~~ ARTICLE 32 under the  
2 department. ~~as if the same were transferred to the department by a type~~  
3 ~~1 transfer as such transfer is defined in the "Administrative Organization~~  
4 ~~Act of 1968", article 1 of title 24, C.R.S.~~

5 **SECTION 155.** In Colorado Revised Statutes, 34-60-104.3,  
6 **amend** (1) as follows:

7 **34-60-104.3. Oil and gas conservation commission - report -**  
8 **publication.** (1) There is ~~hereby~~ created, in the department of natural  
9 resources, the oil and gas conservation commission. THE OIL AND GAS  
10 CONSERVATION COMMISSION IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
11 24-1-105.

12 **SECTION 156.** In Colorado Revised Statutes, 34-60-104.5,  
13 **amend** (1) as follows:

14 **34-60-104.5. Director of commission - duties.** (1) Pursuant to  
15 section 13 of article XII of the state constitution, the executive director of  
16 the department of natural resources shall appoint a director of the  
17 commission who ~~shall~~ MUST possess such qualifications as may be  
18 established by the executive director, the commission, and the state  
19 personnel board. THE DIRECTOR OF THE COMMISSION IS A **TYPE 1** ENTITY,  
20 AS DEFINED IN SECTION 24-1-105.

21 **SECTION 157.** In Colorado Revised Statutes, **amend** 37-60-102  
22 as follows:

23 **37-60-102. Colorado water conservation board - creation.** For  
24 the purpose of aiding in the protection and development of the waters of  
25 the state AND for the benefit of the present and future inhabitants of the  
26 state, there is created a Colorado water conservation board with the  
27 powers and duties set out in this ~~article. Said~~ ARTICLE 60. The board is

1 ~~declared to be~~ an agency of the state, and the functions it is to perform,  
2 as set out in this ~~article~~ ARTICLE 60, are ~~declared to be~~ governmental  
3 functions for the welfare and benefit of the state and its inhabitants. THE  
4 COLORADO WATER CONSERVATION BOARD IS A DIVISION OF THE  
5 DEPARTMENT OF NATURAL RESOURCES AND IS A **TYPE 1** ENTITY, AS  
6 DEFINED IN SECTION 24-1-105.

7 **SECTION 158.** In Colorado Revised Statutes, **add** 37-80-101.5  
8 as follows:

9 **37-80-101.5. Office of the state engineer.** THE OFFICE OF THE  
10 STATE ENGINEER IS CREATED IN THE DIVISION OF WATER RESOURCES IN  
11 THE DEPARTMENT OF NATURAL RESOURCES, AND IS A **TYPE 1** ENTITY, AS  
12 DEFINED IN SECTION 24-1-105.

13 **SECTION 159.** In Colorado Revised Statutes, 37-90-104, **amend**  
14 (1) as follows:

15 **37-90-104. Commission - organization - expenses.** (1) There is  
16 created a ground water commission to consist of twelve members, nine  
17 of whom shall be appointed by the governor and confirmed by the senate.  
18 THE GROUND WATER COMMISSION IS A **TYPE 1** ENTITY, AS DEFINED IN  
19 SECTION 24-1-105.

20 **SECTION 160.** In Colorado Revised Statutes, 37-91-103, **amend**  
21 (1) as follows:

22 **37-91-103. State board of examiners of water well**  
23 **construction and pump installation contractors.** (1) There is created,  
24 ~~under~~ IN the division of water resources in the department of natural  
25 resources, a state board of examiners of water well construction and pump  
26 installation contractors, consisting of five members and comprised of the  
27 following persons: The state engineer or a representative designated by

1 ~~him~~ THE STATE ENGINEER; a representative of the department of health  
2 <{*should this be department of public health and environment?*}>  
3 designated by the executive director of the department; and three  
4 members appointed by the governor, two of whom ~~shall~~ MUST be well  
5 construction contractors or pump installation contractors, each with a  
6 minimum of ten years' experience in the well construction or pump  
7 installation business preceding ~~his~~ THE INDIVIDUAL'S appointment, and  
8 one of whom ~~shall~~ MUST be an engineer or geologist with a minimum of  
9 ten years' experience in water supply and well construction preceding ~~his~~  
10 THE INDIVIDUAL'S appointment. THE STATE BOARD OF EXAMINERS OF  
11 WATER WELL CONSTRUCTION AND PUMP INSTALLATION CONTRACTORS IS  
12 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

13 **SECTION 161.** In Colorado Revised Statutes, 37-92-202, **amend**  
14 (1)(a) as follows:

15 **37-92-202. Division engineers.** (1) (a) The state engineer, with  
16 the approval of the executive director of the department of natural  
17 resources, shall appoint one division engineer for each division. THE  
18 DIVISION ENGINEERS ARE ALLOCATED TO THE DIVISION OF WATER  
19 RESOURCES AS A SECTION OF THE DIVISION. THE DIVISION ENGINEERS ARE  
20 **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105. Each division  
21 engineer ~~shall~~ MUST be a licensed professional engineer and ~~shall~~ MUST  
22 have such additional qualifications as may be specified from time to time  
23 by the state engineer. The state engineer, with the approval of said  
24 executive director, may employ such assistants and staff members as are  
25 necessary to enable each division engineer to carry out ~~his or her~~ THE  
26 DIVISION ENGINEER'S duties.

27 <{*Department of Local Affairs*}>

1           **SECTION 162.** In Colorado Revised Statutes, 24-1-125, **amend**  
2       (2) introductory portion, (2)(a), (2)(b), (2)(c)(I), (2)(f), (2)(g), (2)(i),  
3       (2)(k), (3), and (4); and **add** (10) and (11) as follows:

4           **24-1-125. Department of local affairs - creation.** (2) The  
5       department of local affairs ~~shall consist~~ CONSISTS of the following  
6       divisions:

7           (a) (I) THE division of local government, the head of which ~~shall~~  
8       ~~be~~ IS the director of local government. The division of local government  
9       and the office of THE director ~~thereof~~ OF LOCAL GOVERNMENT, created by  
10      IN part 1 of article 32 of this title 24, ~~and their powers, duties, and~~  
11      ~~functions are transferred by a type 2 transfer to the department of local~~  
12      ~~affairs as the division of local government~~ ARE **TYPE 2** ENTITIES, AS  
13      DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS AND  
14      PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
15      LOCAL AFFAIRS.

16          (II) The division of local government includes the Colorado  
17       resiliency office, the head of which is the director of the Colorado  
18       resiliency office. The Colorado resiliency office ~~exercises its powers,~~  
19       ~~duties, and functions under the division and the department as~~ IS a **type**  
20       **2** entity, as defined in section 24-1-105, AND SHALL EXERCISE ITS POWERS  
21       AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DIVISION OF LOCAL  
22       GOVERNMENT AND THE DEPARTMENT OF LOCAL AFFAIRS.

23          (b) THE division of property taxation, the head of which ~~shall be~~  
24       IS the property tax administrator, ~~The rule-making, administrative, and~~  
25       ~~enforcement powers, duties, and functions, except as provided in~~  
26       ~~subsection (3) of this section, of the Colorado tax commission are~~  
27       ~~transferred by a type 1 transfer to the department of local affairs, and said~~

1 ~~powers, duties, and functions shall be exercised or performed by the~~  
2 ~~property tax administrator or the division of property taxation as is~~  
3 ~~otherwise provided by law~~ CREATED IN SECTION 39-2-101. THE DIVISION  
4 OF PROPERTY TAXATION AND THE PROPERTY TAX ADMINISTRATOR ARE  
5 **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105. EXCEPT FOR THE  
6 POWERS, DUTIES, AND FUNCTIONS OF THE FORMER COLORADO TAX  
7 COMMISSION THAT ARE VESTED WITH THE BOARD OF ASSESSMENT APPEALS  
8 PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE POWERS, DUTIES, AND  
9 FUNCTIONS OF THE PROPERTY TAX ADMINISTRATOR AND THE DIVISION OF  
10 PROPERTY TAXATION, AS IS OTHERWISE PROVIDED IN LAW, INCLUDE THE  
11 RULE-MAKING, ADMINISTRATIVE, AND ENFORCEMENT POWERS, DUTIES,  
12 AND FUNCTIONS OF THE FORMER COLORADO TAX COMMISSION. <{**DOLA,**  
13 **Please check this to make sure that I correctly expressed the division of**  
14 **the CO tax commission's powers, duties, and functions. I specified that**  
15 **the PT administrator is type 1 to be consistent with section 39-2-103.**>

16 (c) (I) THE division of commerce and development, the head of  
17 which ~~shall be~~ IS the director of commerce and development. The division  
18 of commerce and development and the office of THE director thereof,  
19 created by IN part 3 of article 32 of this title and their powers, duties, and  
20 functions, are transferred by a **type 2** transfer to the department of local  
21 affairs as the division of commerce and development TITLE 24, ARE **TYPE**  
22 **2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE THEIR  
23 POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE  
24 DEPARTMENT OF LOCAL AFFAIRS.

25 (f) The division of housing, created by the "Colorado Housing Act  
26 of 1970", part 7 of article 32 of this title. Its powers, duties, and functions  
27 are transferred by a **type 1** transfer to the department of local affairs as a

1 ~~division thereof~~ TITLE 24. THE DIVISION OF HOUSING IS A **TYPE 1** ENTITY,  
2 AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
3 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF LOCAL  
4 AFFAIRS. <{**DOLA, Should the state housing board be added to the**  
5 **AOA? Please see section 24-32-706 (1). If so, should it be a type 2**  
6 **entity?**}>

7 (g) THE division of planning, the head of which ~~shall be~~ IS the  
8 director of the division of planning. The division of planning and the  
9 office of THE director, ~~thereof~~, created by IN part 2 of article 32 of this  
10 ~~title and their powers, duties, and functions are transferred by a type 2~~  
11 ~~transfer to the department of local affairs as a division thereof~~ TITLE 24,  
12 ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL  
13 EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS  
14 UNDER THE DEPARTMENT OF LOCAL AFFAIRS.

15 (i) THE office of rural development, the head of which ~~shall be~~ IS  
16 the coordinator of rural development. The office of rural development and  
17 the position of coordinator of rural development, created by IN part 8 of  
18 article 32 of this ~~title and their powers, duties, and functions are~~  
19 ~~transferred by a type 2 transfer to the department of local affairs~~ TITLE 24,  
20 ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL  
21 EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS  
22 UNDER THE DEPARTMENT OF LOCAL AFFAIRS.

23 (k) The office of the Colorado youth service corps, created by IN  
24 part 20 of article 32 of this ~~title~~ TITLE 24. THE OFFICE OF THE COLORADO  
25 YOUTH SERVICE CORPS IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
26 24-1-105, AND shall exercise its powers and perform its duties and  
27 functions under the department of local affairs. ~~as if the same were~~

1 transferred to said department by a **type 2** transfer.

2 (3) The board of assessment appeals, created by IN article 2 of title  
3 39, C.R.S., ~~shall be~~ IS vested with the quasi-judicial powers, duties, and  
4 functions of the FORMER Colorado tax commission, ~~which board shall~~  
5 ~~constitute~~ AND CONSTITUTES a part of the department of local affairs. ~~and~~  
6 ~~said board is transferred by a type 1 transfer to the department of local~~  
7 ~~affairs~~ THE BOARD OF ASSESSMENT APPEALS IS A **TYPE 1** ENTITY, AS  
8 DEFINED IN SECTION 24-1-105.

9 (4) The advisory committee to the property tax administrator,  
10 created by IN article 2 of title 39, C.R.S., ~~shall constitute~~ CONSTITUTES a  
11 part of the department of local affairs. THE ADVISORY COMMITTEE TO THE  
12 PROPERTY TAX ADMINISTRATOR IS A **TYPE 1** ENTITY, AS DEFINED IN  
13 SECTION 24-1-105, and shall exercise its powers and perform its duties  
14 and functions under the department. ~~as if it were transferred to said~~  
15 ~~department by a type 1 transfer.~~

16 (10) THE OFFICE OF SMART GROWTH, CREATED IN SECTION  
17 24-32-3203, IN THE DEPARTMENT OF LOCAL AFFAIRS IS A **TYPE 2** ENTITY,  
18 AS DEFINED IN SECTION 24-1-105.

19 (11) THE OFFICE OF HOMELESS YOUTH SERVICES, CREATED IN  
20 SECTION 24-32-723, IN THE DEPARTMENT OF LOCAL AFFAIRS IS A **TYPE 2**  
21 ENTITY, AS DEFINED IN SECTION 24-1-105. <{*DOLA: The office of*  
22 *homeless youth services started out in the department of human*  
23 *services as a type 2 entity, but it was relocated to DOLA without doing*  
24 *a specific transfer and it was not amended out of section 24-1-120 (5)(i).*  
25 *Please see the note section 58 of the bill where 24-1-120 (5)(i) is*  
26 *repealed. Do you want to add that it is a type 2 entity in section*  
27 *24-32-723?*>

1           **SECTION 163.** In Colorado Revised Statutes, **amend** 24-32-103  
2 as follows:

3           **24-32-103. Division of local government - created.** There is  
4 ~~hereby~~ created, as a division of the department of local affairs, the  
5 division of local government. The ~~division shall be in the charge of a~~  
6 ~~director who shall be appointed by the~~ executive director of the  
7 department SHALL APPOINT A DIRECTOR TO BE THE HEAD OF THE DIVISION.  
8 The director and any assistants and employees of the division ~~shall be~~ ARE  
9 appointed pursuant to section 13 of article XII of the state constitution.  
10 THE DIVISION AND THE OFFICE OF THE DIRECTOR ARE **TYPE 2** ENTITIES, AS  
11 DEFINED IN SECTION 24-1-105.

12           **SECTION 164.** In Colorado Revised Statutes, 24-32-121, **amend**  
13 (1) as follows:

14           **24-32-121. Colorado resiliency office - creation - director -**  
15 **repeal.** (1) The Colorado resiliency office is created in the division of  
16 local government within the department of local affairs. The head of the  
17 office is the director of the Colorado resiliency office. The director of the  
18 division of local government shall appoint the director of the office in  
19 accordance with section 13 of article XII of the state constitution. The  
20 office ~~exercises~~ IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105,  
21 AND SHALL EXERCISE its powers AND PERFORM ITS duties and functions  
22 under the division and the department. ~~as a type 2 entity, as defined in~~  
23 ~~section 24-1-105.~~

24           **SECTION 165.** In Colorado Revised Statutes, 24-32-202, **amend**  
25 (2) as follows:

26           **24-32-202. Division of planning - creation.** (2) The division of  
27 planning and the office of the director ~~thereof~~ OF THE DIVISION OF



1 PLANNING ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND  
2 shall exercise their powers and perform their duties and functions  
3 specified by this part 2 under the department of local affairs and the  
4 executive director thereof. ~~as if the same were transferred to the~~  
5 ~~department by a **type 2** transfer, as such transfer is defined in the~~  
6 ~~"Administrative Organization Act of 1968", being article 1 of this title.~~

7 **SECTION 166.** In Colorado Revised Statutes, **amend** 24-32-301  
8 as follows:

9 **24-32-301. Division of commerce and development - creation**  
10 **- director - assistants.** There is ~~hereby~~ created a division in the  
11 department of local affairs to be known as the division of commerce and  
12 development, referred to in this part 3 as the "division". ~~The division shall~~  
13 ~~be in the charge of a director, who shall be appointed by the executive~~  
14 ~~director of the department SHALL APPOINT A DIRECTOR OF THE DIVISION.~~  
15 The director shall appoint ~~such~~ assistants and clerical employees as ~~may~~  
16 ~~be deemed~~ necessary to effectively administer this part 3. The director,  
17 ~~and such~~ assistants, and employees ~~shall be~~ ARE appointed pursuant to  
18 section 13 of article XII of the state constitution. THE DIVISION AND THE  
19 OFFICE OF THE DIRECTOR ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
20 24-1-105.

21 **SECTION 167.** In Colorado Revised Statutes, 24-32-704, **amend**  
22 (2) as follows:

23 **24-32-704. Division of housing - director.** (2) The division of  
24 housing IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall  
25 exercise its powers and perform its duties and functions specified in this  
26 part 7 under the department of local affairs. ~~as if it were transferred to the~~  
27 ~~department by a **type 1** transfer as such transfer is defined in the~~

1 ~~"Administrative Organization Act of 1968", being article 1 of this title.~~

2 **SECTION 168.** In Colorado Revised Statutes, 24-32-706, **amend**  
3 (1) as follows:

4 **24-32-706. State housing board.** (1) There is ~~hereby~~ created  
5 ~~within~~ IN the division of housing the state housing board. The board  
6 consists of seven members who are appointed by the governor for terms  
7 of four years each, except as provided in subsection (2) of this section. In  
8 making appointments to the board, the governor shall include  
9 representation by at least one member who is a person with a disability,  
10 as defined in section 24-34-301 (2.5), a family member of a person with  
11 a disability, or a member of an advocacy group for persons with  
12 disabilities. THE STATE HOUSING BOARD IS A **TYPE 2** ENTITY, AS DEFINED  
13 IN SECTION 24-1-105. <***DOLA: This language giving a type 2 status to***  
14 ***the housing board was included in the draft I inherited. Do you know***  
15 ***where the type 2 status comes from? Is it correct? The board is not in***  
16 ***the AOA. Do you want it to be included there?***>

17 **SECTION 169.** In Colorado Revised Statutes, 24-32-802, **amend**  
18 (2) as follows:

19 **24-32-802. Office of rural development created.** (2) The office  
20 and the coordinator of rural development ARE **TYPE 2** ENTITIES, AS  
21 DEFINED IN SECTION 24-1-105, AND shall exercise their powers and  
22 perform their duties and functions specified in this part 8 under the  
23 department of local affairs. ~~as if the same were transferred to the~~  
24 ~~department by a **type 2** transfer, as such transfer is defined in the~~  
25 ~~"Administrative Organization Act of 1968", article 1 of this title.~~

26 **SECTION 170.** In Colorado Revised Statutes, 24-32-2004,  
27 **amend** (2) as follows:

1           **24-32-2004. Colorado youth service corps established -**  
2           **director's duties.** (2) The youth service corps IS A **TYPE 2** ENTITY, AS  
3           DEFINED IN SECTION 24-1-105, AND shall exercise its powers and perform  
4           its duties and functions specified in this part 20 under the department. ~~as~~  
5           ~~if the same were transferred to the department by a type 2 transfer as such~~  
6           ~~transfer is defined in the "Administrative Organization Act of 1968",~~  
7           ~~article 1 of this title.~~

8           **SECTION 171.** In Colorado Revised Statutes, 24-32-3203,  
9           **amend** (2) as follows:

10           **24-32-3203. Office of smart growth - creation - powers and**  
11           **duties of executive director.** (2) The office OF SMART GROWTH IS A  
12           **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its  
13           powers and perform its duties and functions specified by this part 32  
14           under the department of local affairs and the executive director thereof.  
15           ~~as if the same were transferred to the department by a type 2 transfer, as~~  
16           ~~such transfer is defined in the "Administrative Organization Act of 1968",~~  
17           ~~article 1 of this title.~~

18           **SECTION 172.** In Colorado Revised Statutes, **amend** 39-2-103  
19           as follows:

20           **39-2-103. Exercise of power.** The division of property taxation  
21           and the property tax administrator ARE **TYPE 1** ENTITIES, AS DEFINED IN  
22           SECTION 24-1-105, AND shall exercise their powers AND PERFORM THEIR  
23           duties and functions under the department of local affairs. ~~as if they were~~  
24           ~~transferred to said department by a type 1 transfer under the provisions~~  
25           ~~of the "Administrative Organization Act of 1968".~~

26           **SECTION 173.** In Colorado Revised Statutes, 39-2-123, **amend**  
27           (4) as follows:

1           **39-2-123. Board of assessment appeals created - members -**  
2   **compensation.** (4) The board of assessment appeals IS A **TYPE 1** ENTITY,  
3 AS DEFINED IN SECTION 24-1-105, AND shall exercise its powers AND  
4 PERFORM ITS duties and functions under the department of local affairs.  
5 ~~as if it were transferred to said department by a **type 1** transfer under the~~  
6 ~~provisions of the "Administrative Organization Act of 1968".~~

7           **SECTION 174.** In Colorado Revised Statutes, 39-2-129, **amend**  
8 (1) as follows:

9           **39-2-129. Advisory committee to the property tax**  
10 **administrator created.** (1) There is ~~hereby~~ created in the department of  
11 local affairs the advisory committee to the property tax administrator.  
12 ~~Said~~ THE advisory committee IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
13 24-1-105, AND shall exercise its powers and perform its duties and  
14 functions under the department of local affairs. ~~as if it were transferred~~  
15 ~~to said department by a **type 1** transfer under the provisions of the~~  
16 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~  
17 ~~<{*Department of Military and Veterans Affairs*}>~~

18           **SECTION 175.** In Colorado Revised Statutes, 24-1-127, **amend**  
19 (2), (3) introductory portion, (3)(a), (3)(b), (3)(d), (3)(f), and (3)(g) as  
20 follows:

21           **24-1-127. Department of military and veterans affairs -**  
22 **creation.** (2) The office of the adjutant general, created ~~by~~ IN part 1 of  
23 article 3 of title 28, C.R.S., ~~and its powers, duties, and functions are~~  
24 ~~transferred by a **type 2** transfer to the department of military and veterans~~  
25 ~~affairs~~ IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL  
26 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER  
27 THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS. <{**DMVA,**

1 *Should this refer to the office of the adjutant general or the adjutant*  
2 *general? See section 28-3-105 in section 177 of the bill.)*>

3 (3) The department of military and veterans affairs ~~shall consist~~  
4 CONSISTS of the following divisions:

5 (a) The Colorado National Guard, created ~~by~~ IN part 2 of article  
6 3 of title 28. C.R.S. ~~Its powers, duties, and functions are transferred by a~~  
7 ~~type 2 transfer to the department of military and veterans affairs as a~~  
8 ~~division thereof.~~ THE COLORADO NATIONAL GUARD IS A **TYPE 2** ENTITY,  
9 AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
10 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
11 MILITARY AND VETERANS AFFAIRS.

12 (b) The Colorado ~~department~~ DIVISION of civil air patrol, created  
13 ~~by~~ IN article 1 of title 28. C.R.S. ~~Its powers, duties, and functions are~~  
14 ~~transferred by a type 1 transfer to the department of military and veterans~~  
15 ~~affairs as the Colorado division of the civil air patrol.~~ THE COLORADO  
16 DIVISION OF CIVIL AIR PATROL IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
17 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
18 FUNCTIONS UNDER THE DEPARTMENT OF MILITARY AND VETERANS  
19 AFFAIRS. <{*DMVA: In section 28-1-101 this is referred to as the*  
20 *Colorado division of Civil Air Patrol, so this change aligns the name.*>

21 (d) The Colorado state defense force, when organized by the  
22 governor pursuant to article 4 of title 28. C.R.S. ~~If organized, its powers,~~  
23 ~~duties, and functions are transferred by a type 2 transfer to the department~~  
24 ~~of military and veterans affairs as a division thereof.~~ IF ORGANIZED, THE  
25 COLORADO STATE DEFENSE FORCE IS A **TYPE 2** ENTITY, AS DEFINED IN  
26 SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS  
27 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF MILITARY AND

1 VETERANS AFFAIRS.

2 (f) The division of veterans affairs, created by IN part 7 of article  
3 5 of title 28. C.R.S. ~~Its powers, duties, and functions are transferred by a~~  
4 ~~type 2 transfer to the department of military and veterans affairs as a~~  
5 ~~division thereof.~~ THE DIVISION OF VETERANS AFFAIRS IS A **TYPE 2** ENTITY,  
6 AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
7 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
8 MILITARY AND VETERANS AFFAIRS.

9 (g) The Colorado board of veterans affairs, created by IN section  
10 28-5-702. C.R.S. ~~Its powers, duties, and functions are transferred by a~~  
11 ~~type 2 transfer to the department of military and veterans affairs as a~~  
12 ~~division thereof.~~ THE COLORADO BOARD OF VETERANS AFFAIRS IS A **TYPE**  
13 **2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS  
14 POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE  
15 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS.

16 **SECTION 176.** In Colorado Revised Statutes, 28-1-101, **amend**  
17 (1)(a) as follows:

18 **28-1-101. Colorado division of civil air patrol - publication -**  
19 **benefits.** (1) (a) There is ~~hereby~~ created and established ~~within~~ IN the  
20 department of military and veterans affairs the Colorado division of civil  
21 air patrol. THE DIVISION IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
22 24-1-105. The mission of the division ~~shall be~~ IS to provide support for  
23 and facilitate the operation of the civil air patrol, Colorado wing, which  
24 ~~shall be~~ IS under the command and control of the duly appointed  
25 commanding officer of ~~such~~ THE wing. On and after July 1, 2004, the  
26 head of the division ~~shall be~~ IS appointed by the adjutant general acting  
27 on behalf of the governor and in consultation with the duly appointed

1 commanding officer of the civil air patrol, Colorado wing. Warrants ~~shall~~  
2 ~~be~~ ARE drawn against appropriations made for the division upon vouchers  
3 issued and signed by the head of the division.

4 **SECTION 177.** In Colorado Revised Statutes, 28-3-105, **amend**  
5 (1) as follows:

6 **28-3-105. Adjutant general - assistants.** (1) There ~~shall be~~ IS an  
7 adjutant general of the state who ~~shall be~~ IS appointed by the governor,  
8 with the advice and consent of the senate, who ~~shall~~ MUST be a staff  
9 officer, who at the time of appointment ~~shall~~ MUST be a commissioned  
10 officer of the National Guard of this state with not fewer than ten years'  
11 military service in the armed forces of this state or of the United States at  
12 least five of which have been commissioned service in the Colorado  
13 National Guard, and who has attained the grade of lieutenant colonel or  
14 a higher grade with federal recognition in such grade at least one year  
15 prior to ~~his or her~~ THE INDIVIDUAL'S appointment as adjutant general. The  
16 adjutant general ~~shall serve~~ SERVES at the pleasure of the governor. THE  
17 ADJUTANT GENERAL IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.  
18 <{*Should this section refer to the office of the adjutant general or the*  
19 *adjutant general? See section 24-1-127 (2).*>

20 **SECTION 178.** In Colorado Revised Statutes, **amend** 28-3-201  
21 as follows:

22 **28-3-201. Composition.** The Colorado National Guard consists  
23 of the regularly enlisted militia within the ages prescribed by federal law  
24 and regulations, organized, armed, and equipped as provided in this  
25 ~~article~~ ARTICLE 3, and of commissioned officers and warrant officers  
26 within the ages and having the qualifications prescribed by federal law  
27 and regulations. "National Guard" applies only to militia organized as

1 provided for in this ~~article~~ ARTICLE 3 and authorized by federal law and  
2 regulations relating to the National Guard. The number of officers and  
3 enlisted ~~men~~ PERSONNEL of the National Guard ~~shall~~ MUST be fixed from  
4 time to time and organized so as to meet the requirements of the federal  
5 laws and regulations. THE COLORADO NATIONAL GUARD IS A **TYPE 2**  
6 ENTITY, AS DEFINED IN SECTION 24-1-105.

7 **SECTION 179.** In Colorado Revised Statutes, **amend** 28-4-104  
8 as follows:

9 **28-4-104. State defense force - composition.** The governor is  
10 authorized to organize and maintain within this state such military forces  
11 as the governor deems necessary to defend this state. Such forces ~~shall be~~  
12 ARE known as the state defense force and ~~shall be~~ ARE composed of such  
13 citizens of the state ~~as shall~~ WHO volunteer or ~~be~~ WHO ARE ordered by the  
14 governor and qualify for service therein. Such forces ~~shall be~~ ARE  
15 additional to and distinct from the National Guard. The Colorado state  
16 defense force ~~shall be~~ IS maintained in numbers to be determined by the  
17 governor. IF ORGANIZED BY THE GOVERNOR, THE COLORADO STATE  
18 DEFENSE FORCE IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. No  
19 officer or enlisted person of this force ~~shall~~ MAY be a member of the  
20 National Guard or other armed force of the United States. Such part of  
21 this force as ordered by the governor ~~shall be~~ IS uniformed. Any part or  
22 all of this force may be called to state defense force active duty at the  
23 pleasure of the governor. All costs and expenses of the state defense force  
24 ~~shall be~~ ARE paid from the general fund by separate appropriation to the  
25 department of military affairs.

26 **SECTION 180.** In Colorado Revised Statutes, 28-5-701, **amend**  
27 (1) as follows:



1           **28-5-701. Division of veterans affairs - transfer of functions -**  
2 **terminology.** (1) There is ~~hereby~~ created the division of veterans affairs  
3 ~~within~~ IN the department of military and veterans affairs, the head of  
4 which ~~shall be~~ IS the director of the division of veterans affairs who ~~shall~~  
5 ~~be~~ IS appointed by the adjutant general acting in ~~his or her~~ THE ADJUTANT  
6 GENERAL'S capacity as the administrative head of the department. The  
7 director shall appoint such assistants and clerical employees as may be  
8 deemed necessary to effectively administer this part 7 and part 8 of this  
9 ~~article~~ ARTICLE 5. The director and such assistants and employees ~~shall~~  
10 MUST be appointed pursuant to section 13 of article XII of the state  
11 constitution. THE DIVISION OF VETERANS AFFAIRS AND THE DIRECTOR OF  
12 THE DIVISION OF VETERANS AFFAIRS ARE **TYPE 2** ENTITIES, AS DEFINED IN  
13 SECTION 24-1-105.

14           **SECTION 181.** In Colorado Revised Statutes, 28-5-702, **amend**  
15 (1) as follows:

16           **28-5-702. Board of veterans affairs.** (1) The Colorado board of  
17 veterans affairs and its powers, duties, and functions are ~~hereby~~  
18 transferred by a **type 2** transfer from the department of human services to  
19 the department of military and veterans affairs. The board shall advise  
20 and consult with the division in the administration and enforcement of  
21 this ~~article~~ ARTICLE 5. THE COLORADO BOARD OF VETERANS AFFAIRS IS A  
22 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

23           <{*Department of Personnel*}>

24           **SECTION 182.** In Colorado Revised Statutes, 24-1-128, **amend**  
25 (2), (3), (4), (6), (7) introductory portion, (7)(a), (7)(b), (7)(d), (7)(f),  
26 (7)(g), (7)(h), (7)(k), and (7)(l) as follows:

27           **24-1-128. Department of personnel - creation.** (2) The state

1 personnel board, created by section 14 of article XII of the state  
2 constitution, ~~and its powers, duties, and functions are transferred by a~~  
3 ~~type 1 transfer to the department of personnel, subject to the provisions~~  
4 ~~of the state constitution~~ IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
5 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
6 FUNCTIONS UNDER THE DEPARTMENT OF PERSONNEL, SUBJECT TO THE  
7 PROVISIONS OF THE STATE CONSTITUTION.

8 (3) The POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF  
9 PERSONNEL INCLUDE THE POWERS, DUTIES, AND FUNCTIONS OF THE civil  
10 service commission. ~~and its powers, duties, and functions are transferred~~  
11 ~~by a type 3 transfer to the department of personnel and~~ THE POWERS,  
12 DUTIES, AND FUNCTIONS OF THE CIVIL SERVICE COMMISSION ARE allocated  
13 to the state personnel board and the state personnel director, pursuant to  
14 the provisions of the state constitution and laws enacted pursuant thereto,  
15 and the civil service commission is abolished.

16 (4) The POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF  
17 PERSONNEL INCLUDE THE POWERS, DUTIES, AND FUNCTIONS OF THE state  
18 employees' and officials' group insurance board of administration, created  
19 by part 2 of article 8 of title 10 C.R.S., ~~and its powers, duties, and~~  
20 ~~functions are transferred by a type 3 transfer to the department of~~  
21 ~~personnel and~~ PRIOR TO ITS REPEAL IN 1994. THE POWERS, DUTIES, AND  
22 FUNCTIONS OF THE STATE EMPLOYEES' AND OFFICIALS' GROUP INSURANCE  
23 BOARD OF ADMINISTRATION ARE allocated to the state personnel director,  
24 pursuant to the provisions of the state constitution and laws enacted  
25 pursuant thereto, and the state employees' and officials' group insurance  
26 board of administration is abolished.

27 (6) The POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF

1 PERSONNEL INCLUDE THE powers, duties, and functions of the department  
2 of administration, ~~are transferred by a type 3 transfer to the department~~  
3 ~~of personnel~~, and the department of administration is hereby abolished.

4 (7) The POWERS, DUTIES, AND FUNCTIONS OF THE department of  
5 personnel ~~shall~~ include the following administrative support services:

6 (a) The powers, duties, and functions concerning purchasing,  
7 specified in part 2 of article 102 of this title, ~~shall be administered as if~~  
8 ~~transferred by a type 2 transfer to the department of personnel~~ TITLE 24.

9 (b) The powers, duties, and functions concerning state archives  
10 and public records, specified in part 1 of article 80 of this title, ~~shall be~~  
11 ~~administered as if transferred by a type 2 transfer to the department of~~  
12 ~~personnel~~ TITLE 24.

13 (d) The powers, duties, and functions concerning accounts and  
14 control and the office of THE controller, specified in part 2 of article 30  
15 of this title, ~~except those powers, duties, and functions transferred by~~  
16 ~~paragraph (c) of this subsection (7), shall be administered as if transferred~~  
17 ~~by a type 2 transfer to the department of personnel~~ TITLE 24. THE OFFICE  
18 OF THE CONTROLLER IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
19 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND  
20 FUNCTIONS UNDER THE DEPARTMENT OF PERSONNEL. <{*DPA: (7)(c) was*  
21 *repealed when the OIT functions were consolidated in state government*  
22 *and the General Government Computer Center in Personnel was*  
23 *transferred to OIT.*>

24 (f) The office of administrative courts, the head of which ~~shall be~~  
25 IS the executive director of the department of personnel. The office of  
26 administrative courts, created by IN part 10 of article 30 of this title, ~~and~~  
27 ~~its powers, duties, and functions are transferred by a type 2 transfer to the~~

1 ~~department of personnel as an office thereof~~ TITLE 24, IS A **TYPE 2** ENTITY,  
2 AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
3 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
4 PERSONNEL.

5 (g) The powers, duties, and functions concerning central services,  
6 specified in part 11 of article 30 of this ~~title, shall be administered as if~~  
7 ~~transferred by a type 2 transfer to the department of personnel~~ TITLE 24.

8 (h) The powers, duties, and functions concerning the risk  
9 management system, specified in part 15 of article 30 of this ~~title, shall be~~  
10 ~~administered as if transferred by a type 2 transfer to the department of~~  
11 ~~personnel~~ TITLE 24.

12 (k) The powers, duties, and functions concerning state buildings,  
13 ~~Such powers, duties, and functions,~~ specified by part 13 of article 30 of  
14 this ~~title~~ TITLE 24 and formerly vested in the office of state planning and  
15 budgeting. ~~are transferred by a type 2 transfer to the department of~~  
16 ~~personnel.~~

17 (l) The state claims board, created ~~by~~ IN part 15 of article 30 of  
18 this ~~title and its powers, duties, and functions are transferred by a type 1~~  
19 ~~transfer to the department of personnel~~ TITLE 24. THE STATE CLAIMS  
20 BOARD IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND SHALL  
21 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER  
22 THE DEPARTMENT OF PERSONNEL.

23 **SECTION 183.** In Colorado Revised Statutes, 24-30-201, **amend**  
24 (2) as follows:

25 **24-30-201. Accounts and control - controller.** (2) The POWERS,  
26 DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF PERSONNEL INCLUDE THE  
27 powers, duties, and functions concerning accounts and control and the

1 office of the controller. ~~shall be administered as if transferred by a type~~  
2 ~~2 transfer to the department of personnel.~~ THE OFFICE OF THE  
3 CONTROLLER IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

4 **SECTION 184.** In Colorado Revised Statutes, 24-30-1001,  
5 **amend** (1) as follows:

6 **24-30-1001. Office of administrative courts - administrative**  
7 **courts cash fund - creation.** (1) Effective July 1, 2005, there is hereby  
8 created the office of administrative courts in the department of personnel,  
9 the head of which ~~shall be~~ IS the executive director of the department of  
10 personnel. The office of administrative courts ~~shall exercise its powers,~~  
11 ~~duties, and functions as a type 2 agency~~ IS A **TYPE 2** ENTITY, AS DEFINED  
12 IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND PERFORM ITS  
13 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF PERSONNEL.

14 **SECTION 185.** In Colorado Revised Statutes, 24-30-1103,  
15 **amend** (2) as follows:

16 **24-30-1103. Central services.** (2) The POWERS, DUTIES, AND  
17 FUNCTIONS OF THE DEPARTMENT OF PERSONNEL INCLUDE THE powers,  
18 duties, and functions concerning central services, specified by this part  
19 11. ~~shall be administered as if transferred by a type 2 transfer, as such~~  
20 ~~transfer is defined by the "Administrative Organization Act of 1968",~~  
21 ~~article 1 of this title to the department of personnel.~~

22 **SECTION 186.** In Colorado Revised Statutes, 24-30-1302,  
23 **amend** (1) as follows:

24 **24-30-1302. State buildings - transfer.** (1) The POWERS, DUTIES,  
25 AND FUNCTIONS OF THE DEPARTMENT OF PERSONNEL INCLUDE THE  
26 powers, duties, and functions ~~of the office of state planning and~~  
27 ~~budgeting relating to state buildings are transferred by a type 2 transfer,~~

1 ~~to the department of personnel~~ THAT WERE FORMERLY VESTED IN THE  
2 OFFICE OF STATE PLANNING AND BUDGETING.

3 **SECTION 187.** In Colorado Revised Statutes, 24-30-1503,  
4 **amend** (2) as follows:

5 **24-30-1503. Risk management system.** (2) The POWERS,  
6 DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF PERSONNEL INCLUDE THE  
7 powers, duties, and functions concerning risk management, specified by  
8 this part 15. ~~shall be administered as if transferred to the department of~~  
9 ~~personnel by a type 2 transfer, as such transfer is defined by the~~  
10 ~~"Administrative Organization Act of 1968", article 1 of this title.~~

11 **SECTION 188.** In Colorado Revised Statutes, 24-30-1508,  
12 **amend** (2) as follows:

13 **24-30-1508. State claims board - creation.** (2) The state claims  
14 board IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall  
15 exercise its powers and perform its duties and functions ~~as if it were~~  
16 ~~transferred to~~ UNDER the department of personnel. ~~by a type 1 transfer,~~  
17 ~~as such transfer is defined by the "Administrative Organization Act of~~  
18 ~~1968", article 1 of this title.~~

19 **SECTION 189.** In Colorado Revised Statutes, 24-50-103, **amend**  
20 (2) as follows:

21 **24-50-103. State personnel board.** (2) The board IS A **TYPE 1**  
22 ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its powers  
23 and perform its duties and functions under the department of personnel  
24 and the state personnel director. ~~as if the same were transferred to the~~  
25 ~~department by a type 1 transfer, as such transfer is defined in the~~  
26 ~~"Administrative Organization Act of 1968", article 1 of this title.~~

27 **SECTION 190.** In Colorado Revised Statutes, 24-80-102, **amend**

1 (11) as follows:

2 **24-80-102. State archives and records - personnel - duties -**  
3 **cash fund - rules - definition.** (11) ~~The powers, duties, and functions of~~  
4 ~~The state archivist and the department of personnel concerning state~~  
5 ~~archives and records shall be administered as if transferred by a type 2~~  
6 ~~transfer to the department of personnel~~ IS A **TYPE 2** ENTITY, AS DEFINED  
7 IN SECTION 24-1-105, AND SHALL EXERCISE THE ARCHIVIST'S POWERS AND  
8 PERFORM THE ARCHIVIST'S DUTIES AND FUNCTIONS CONCERNING STATE  
9 ARCHIVES AND RECORDS UNDER THE DEPARTMENT OF PERSONNEL.

10 <{*Should this "type 2 entity" language be in the AOA as well?*}>

11 **SECTION 191.** In Colorado Revised Statutes, 24-102-201,  
12 **amend** (2) as follows:

13 **24-102-201. Purchasing.** (2) The POWERS, DUTIES, AND  
14 FUNCTIONS OF THE DEPARTMENT OF PERSONNEL INCLUDE THE powers,  
15 duties, and functions concerning purchasing. ~~shall be administered as if~~  
16 ~~transferred to the department of personnel by a type 2 transfer, as such~~  
17 ~~transfer is defined by the "Administrative Organization Act of 1968",~~  
18 ~~article 1 of this title.~~

19 <{*Department of Corrections*}>

20 **SECTION 192.** In Colorado Revised Statutes, 24-1-128.5,  
21 **amend** (1.5), (2) introductory portion, (2)(a), (2)(b), (3), and (3.5) as  
22 follows:

23 **24-1-128.5. Department of corrections - creation.** (1.5) The  
24 department of corrections shall supervise and control each correctional  
25 facility, as defined in section 17-1-102. ~~C.R.S.~~ The POWERS, DUTIES, AND  
26 FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS INCLUDE THE powers,  
27 duties, and functions of the FORMER department of institutions relating to

1 honor camps, work release programs, and other adult correctional  
2 programs. ~~are transferred by a type 2 transfer to the department of~~  
3 ~~corrections.~~ The POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT  
4 OF CORRECTIONS ALSO INCLUDE THE powers, duties, and functions of the  
5 FORMER division of parole in the department of institutions, ~~are~~  
6 ~~transferred by a type 3 transfer to the department of corrections,~~ and the  
7 division of parole in the department of institutions is abolished. The  
8 executive director of the department of corrections ~~shall have~~ HAS the  
9 powers and duties specified in title 17. ~~C.R.S.~~

10 (2) The department of corrections ~~shall consist~~ CONSISTS of the  
11 following divisions:

12 (a) The division of adult parole, the head of which ~~shall be~~ IS the  
13 director of the division of adult parole. The division of adult parole IS A  
14 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its  
15 powers and perform its duties and functions under the department of  
16 corrections. ~~as if the same were transferred by a type 2 transfer.~~

17 (b) The division of correctional industries, the head of which ~~shall~~  
18 ~~be~~ IS the director of the division of correctional industries. The division  
19 ~~shall supervise~~ SUPERVISES and ~~control~~ CONTROLS correctional industries  
20 programs in this state. The division IS A **TYPE 2** ENTITY, AS DEFINED IN  
21 SECTION 24-1-105, AND shall exercise its powers and perform its duties  
22 and functions under the department of corrections. ~~as if the same were~~  
23 ~~transferred by a type 2 transfer.~~

24 (3) The state board of parole, created by part 2 of article 2 of title  
25 17, ~~C.R.S., is transferred by a type 1 transfer to the department of~~  
26 ~~corrections~~ IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

27 (3.5) The division of correctional industries ~~shall include~~



1 INCLUDES, as a section thereof, the Colorado state agency for surplus  
2 property, created by IN part 4 of article 82 of this ~~title~~ TITLE 24. The  
3 agency ~~and its powers, duties, and functions are transferred by a type 2~~  
4 ~~transfer to the department of corrections and allocated to the division of~~  
5 ~~correctional industries, as a section thereof~~ IS A **TYPE 2** ENTITY, AS  
6 DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
7 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
8 CORRECTIONS. THE AGENCY IS ALLOCATED TO THE DIVISION OF  
9 CORRECTIONAL INDUSTRIES AS A SECTION THEREOF.

10 **SECTION 193.** In Colorado Revised Statutes, 17-2-102, **amend**  
11 (1) as follows:

12 **17-2-102. Division of adult parole - general powers, duties, and**  
13 **functions - definition.** (1) The division of adult parole in the department  
14 shall administer the adult parole program. THE DIVISION OF ADULT  
15 PAROLE IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. The  
16 division shall keep a complete record in respect to all domestic as well as  
17 interstate parolees. The director of the division of adult parole shall  
18 exercise the power of suspension of paroles in the interim of the meetings  
19 of the state board of parole, referred to in this part 1 as the "board", and  
20 in connection therewith the director may arrest ~~such~~ A suspended parolee  
21 without warrant and return ~~such~~ A suspended parolee to an appropriately  
22 secure facility to await the further action of the board. In case of ~~such~~ A  
23 suspension of parole, the director shall send to the board, at its first  
24 session thereafter, a transcript of all proceedings taken in connection with  
25 ~~such~~ THE suspension and the reasons for ~~his or her~~ THE DIRECTOR'S action.

26 **SECTION 194.** In Colorado Revised Statutes, 17-2-201, **amend**  
27 (1)(a) as follows:

1           **17-2-201. State board of parole - duties - definitions.**

2       (1) (a) There is ~~hereby~~ created a state board of parole, referred to in this  
3       part 2 as the "board", which consists of nine members. THE BOARD IS A  
4       **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The members of the  
5       board are appointed by the governor and confirmed by the senate, and  
6       they shall devote their full time to their duties as members of the board.  
7       The members are appointed for three-year terms and may serve  
8       consecutive terms. The governor may remove a board member for  
9       incompetency, neglect of duty, malfeasance in office, continued failure  
10      to use the risk assessment guidelines as required by section 17-22.5-404,  
11      or failure to regularly attend meetings as determined by the governor.  
12      Final conviction of a felony during the term of office of a board member  
13      automatically disqualifies the member from further service on the board.  
14      The board is composed of representatives from multidisciplinary areas of  
15      expertise. Two members must have experience in law enforcement, and  
16      one member must have experience in offender supervision, including  
17      parole, probation, or community corrections. Six members must have  
18      experience in other relevant fields. Each member of the board must have  
19      a minimum of five years of experience in a relevant field and knowledge  
20      of parole laws and guidelines, rehabilitation, correctional administration,  
21      the functioning of the criminal justice system, issues associated with  
22      victims of crime, the duties of board members, and actuarial risk  
23      assessment instruments and other offender assessment instruments used  
24      by the board and the department of corrections. A person who has been  
25      convicted of a felony or of a misdemeanor involving moral turpitude or  
26      who has any financial interests that conflict with the duties of a member  
27      of the board is ineligible for appointment.

1           **SECTION 195.** In Colorado Revised Statutes, 17-24-104, **amend**  
2       (1) as follows:

3           **17-24-104. Creation of division of correctional industries and**  
4       **advisory committee - enterprise status of division - duties of**  
5       **committee - sunset review of committee - rules.** (1) There is hereby  
6       created in the department of corrections the division of correctional  
7       industries, which ~~shall be~~ IS under the direction of the director of  
8       correctional industries, who ~~shall be~~ IS appointed by the executive  
9       director of the department of corrections pursuant to section 13 of article  
10      XII of the state constitution. The division ~~shall constitute~~ CONSTITUTES  
11      an enterprise for the purposes of section 20 of article X of the state  
12      constitution so long as it retains the authority to issue revenue bonds and  
13      receives less than ten percent of its total annual revenues in grants, as  
14      defined in section 24-77-102 (7), ~~C.R.S.~~, from all Colorado state and  
15      local governments combined. So long as it constitutes an enterprise  
16      pursuant to the provisions of this section, the division of correctional  
17      industries ~~shall~~ IS not be a district for purposes of section 20 of article X  
18      of the state constitution. THE DIVISION OF CORRECTIONAL INDUSTRIES IS  
19      A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. <{**DOC, is the**  
20      **director a type 2 entity? If so, should this be added here and in section**  
21      **24-1-128.5 (2)(b)?**>

22           **SECTION 196.** In Colorado Revised Statutes, **amend** 24-82-402  
23      as follows:

24           **24-82-402. Director - staff.** The Colorado state agency for  
25      surplus property, referred to in this part 4 as the "state agency", ~~shall~~  
26      ~~consist~~ IS A SECTION OF THE DIVISION OF CORRECTIONAL INDUSTRIES. THE  
27      STATE AGENCY CONSISTS of a director, who ~~shall be~~ IS the executive

1 officer of the state agency, and ~~such~~ THE deputies, assistants, and  
2 employees as in the opinion of the director and the governor are necessary  
3 to carry out the provisions of this part 4. The director ~~shall be~~ IS the  
4 director of the division of correctional industries. All deputies, assistants,  
5 and employees ~~shall be~~ ARE appointed by the director pursuant to section  
6 13 of article XII of the state constitution and ~~shall~~ receive such  
7 compensation and reimbursement of expenses incurred in the  
8 performance of their duties as other employees of the state government  
9 are paid. All employees of the state agency on July 1, 1987, ~~shall~~ remain  
10 employees of ~~such~~ THE agency without the need for further appointment  
11 due to the transfer of the state agency from the department of personnel.  
12 The employees of the state agency ~~shall~~ MUST not exceed ten employees.  
13 THE STATE AGENCY IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.  
14 <{*DOC, same questions as above regarding including the director as*  
15 *type 2.*>

16 <{*Department of Public Safety*>

17 **SECTION 197.** In Colorado Revised Statutes, 24-1-128.6,  
18 **amend** (2)(a), (2)(c), (2)(d), (2)(h), (2)(i), (4)(a) introductory portion, (5),  
19 (6), (7), (8)(a), and (9) as follows:

20 **24-1-128.6. Department of public safety - creation - repeal.**

21 (2) The department of public safety consists of the following divisions:

22 (a) THE Colorado state patrol, the head of which ~~shall be~~ IS the  
23 chief of the Colorado state patrol. The Colorado state patrol and the office  
24 of chief, ~~thereof created by~~ IN part 2 of article 33.5 of this title, ~~and their~~  
25 ~~powers, duties, and functions are transferred by a type 2 transfer to the~~  
26 ~~department of public safety~~ TITLE 24, ARE **TYPE 2** ENTITIES, AS DEFINED  
27 IN SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM

1 THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC  
2 SAFETY. THE RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC SAFETY  
3 AND THE COLORADO STATE PATROL INCLUDE the powers, duties, and  
4 functions of the state department of highways relating to the Colorado  
5 state patrol. ~~are transferred by a type 2 transfer to the department of~~  
6 ~~public safety and allocated to the Colorado state patrol.~~ The  
7 RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC SAFETY AND THE  
8 COLORADO STATE PATROL INCLUDE THE powers, duties, and functions of  
9 the ports of entry section of the FORMER motor carrier services division  
10 of the division of motor vehicles of the department of revenue, which  
11 motor carrier services division is abolished pursuant to section 24-1-117  
12 (5), enacted by House Bill 12-1019, ~~enacted in 2012. are transferred by~~  
13 ~~a type 3 transfer to the department of public safety and allocated to the~~  
14 ~~Colorado state patrol.~~

15 (c) THE Colorado bureau of investigation, the head of which ~~shall~~  
16 ~~be~~ IS the director of the Colorado bureau of investigation. The Colorado  
17 bureau of investigation and the office of THE director, ~~thereof~~, created by  
18 part 4 of article 33.5 of this title ~~and their powers, duties, and functions~~  
19 ~~are transferred by a type 2 transfer to the department of public safety~~  
20 TITLE 24, ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND  
21 SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND  
22 FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC SAFETY. THE POWERS,  
23 DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF PUBLIC SAFETY AND THE  
24 COLORADO BUREAU OF INVESTIGATION INCLUDE the powers, duties, and  
25 functions ~~of the department of local affairs~~ relating to the Colorado  
26 bureau of investigation ~~are transferred by a type 2 transfer to the~~  
27 ~~department of public safety and allocated to the Colorado bureau of~~

1 ~~investigation~~ THAT WERE FORMERLY VESTED IN THE DEPARTMENT OF  
2 LOCAL AFFAIRS.

3 (d) THE division of criminal justice, the head of which ~~shall be~~ IS  
4 the director of the division of criminal justice. The division of criminal  
5 justice and the office of THE director, ~~thereof~~, created by IN part 5 of  
6 article 33.5 of this title, ~~and their powers, duties, and functions are~~  
7 ~~transferred by a type 2 transfer to the department of public safety~~ TITLE  
8 24, ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL  
9 EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS  
10 UNDER THE DEPARTMENT OF PUBLIC SAFETY. THE POWERS, DUTIES, AND  
11 FUNCTIONS OF THE DEPARTMENT OF PUBLIC SAFETY AND THE DIVISION OF  
12 CRIMINAL JUSTICE INCLUDE the powers, duties, and functions ~~of the~~  
13 ~~department of local affairs~~ relating to the division of criminal justice ~~are~~  
14 ~~transferred by a type 2 transfer to the department of public safety and~~  
15 ~~allocated to the division of criminal justice~~ THAT WERE FORMERLY VESTED  
16 IN THE DEPARTMENT OF LOCAL AFFAIRS.

17 (h) (I) THE division of homeland security and emergency  
18 management, the head of which is the director of the division of  
19 homeland security and emergency management. The division of  
20 homeland security and emergency management and the office of THE  
21 director, ~~thereof~~, created by IN part 16 of article 33.5 of this title, ~~shall~~  
22 ~~exercise their powers and perform their duties and functions as if the~~  
23 ~~same were transferred by a type 2 transfer to the department of public~~  
24 ~~safety, and allocated to the division of homeland security and emergency~~  
25 ~~management~~ TITLE 24 ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
26 24-1-105. THE DIVISION OF HOMELAND SECURITY AND EMERGENCY  
27 MANAGEMENT AND THE OFFICE OF THE DIRECTOR OF THE DIVISION SHALL

1 EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS  
2 UNDER THE DEPARTMENT OF PUBLIC SAFETY AND ARE ALLOCATED TO THE  
3 DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

4 (II) The division of homeland security and emergency  
5 management includes the following agencies, which ARE **TYPE 2**  
6 ENTITIES, AS DEFINED IN SECTION 24-1-105, AND WHICH shall exercise  
7 their powers and perform their duties and functions under the department  
8 of public safety: ~~as if the same were transferred thereto by a type 2~~  
9 ~~transfer:~~

10 (A) The office of emergency management, created ~~by~~ IN part 7 of  
11 article 33.5 of this ~~title~~ TITLE 24, the head of which is the director of the  
12 office of emergency management. Effective July 1, 2012, THE POWERS,  
13 DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF PUBLIC SAFETY AND THE  
14 OFFICE OF EMERGENCY MANAGEMENT UNDER THE DIVISION OF HOMELAND  
15 SECURITY AND EMERGENCY MANAGEMENT PURSUANT TO THIS ARTICLE 1  
16 INCLUDE THE POWERS, DUTIES, AND FUNCTIONS OF the division of  
17 emergency management, ~~in the department of local affairs, created by~~ IN  
18 part 21 of article 32 of this ~~title~~ TITLE 24, prior to its repeal in 2012. ~~and~~  
19 ~~its powers, duties, and functions are transferred by a type 2 transfer to the~~  
20 ~~department of public safety and allocated to the office of emergency~~  
21 ~~management under the division of homeland security and emergency~~  
22 ~~management pursuant to this article.~~

23 (B) THE office of prevention and security, created in section  
24 24-33.5-1606; and

25 (C) The office of preparedness, created in section 24-33.5-1606.5.

26 (i) THE division of fire prevention and control, the head of which  
27 is the director of the division of fire prevention and control. The division

1 of fire prevention and control and the office of the director, thereof,  
2 created by IN part 12 of article 33.5 of this title, and their powers, duties,  
3 and functions are transferred by a **type 2** transfer to the department of  
4 public safety TITLE 24, ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION  
5 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM THEIR  
6 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC SAFETY.  
7 <{*DPS: Should the public school construction and inspection section,*  
8 *the wildland fire management section, and the health facility*  
9 *construction and inspection section created in the division, in section*  
10 *24-33.5-1201, be included here?*>

11 (4) (a) The POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT  
12 OF PUBLIC SAFETY INCLUDE THE POWERS, DUTIES, AND FUNCTIONS OF THE  
13 Colorado emergency planning commission, created by section  
14 24-33.5-1503, prior to the repeal of that section by House Bill 14-1004,  
15 is abolished, and its powers, duties, and functions are transferred by a  
16 **type 3** transfer as follows:

17 (5) The witness protection board, created by IN section  
18 24-33.5-106, IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
19 shall exercise its powers and perform its duties and functions as if the  
20 same were transferred by a **type 1** transfer to UNDER the department of  
21 public safety.

22 (6) The identity theft and financial fraud board, created by IN  
23 section 24-33.5-1703, IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
24 24-1-105, AND shall exercise its powers and perform its duties and  
25 functions as if the same were transferred by a **type 2** transfer to UNDER  
26 the department of public safety.

27 (7) The cold case task force, created in section 24-33.5-109, IS A



1     **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its  
2     powers and perform its duties and functions ~~as if the same were~~  
3     ~~transferred by a type 2 transfer to~~ UNDER the department of public safety.

4             (8) (a) The Colorado commission on criminal and juvenile justice,  
5     created pursuant to section 16-11.3-102, ~~C.R.S.~~, IS A **TYPE 2** ENTITY, AS  
6     DEFINED IN SECTION 24-1-105, AND shall exercise its powers and perform  
7     its duties and functions ~~as if the same were transferred by a type 2~~  
8     ~~transfer to~~ UNDER the department of public safety.

9             (9) The crime victim services advisory board, created pursuant to  
10    section 24-4.1-117.3, IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
11    24-1-105, AND shall exercise its powers and perform its duties and  
12    functions ~~as if the same were transferred by a type 2 transfer to~~ UNDER  
13    the division of criminal justice in the department of public safety.

14            **SECTION 198.** In Colorado Revised Statutes, 16-11.3-102,  
15    **amend** (1)(b) as follows:

16            **16-11.3-102. Colorado commission on criminal and juvenile**  
17    **justice - creation - membership - operation.** (1) (b) The commission  
18    IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise  
19    its powers and perform its duties and functions ~~as if the same were~~  
20    ~~transferred to~~ UNDER the department of public safety. ~~by a type 2 transfer,~~  
21    ~~as such transfer is defined in the "Administrative Organization Act of~~  
22    ~~1968", article 1 of title 24, C.R.S.~~

23            **SECTION 199.** In Colorado Revised Statutes, 24-4.1-117.3,  
24    **amend** (1) as follows:

25            **24-4.1-117.3. Crime victim services advisory board - creation**  
26    **- duties.** (1) There is ~~hereby~~ created in the division of criminal justice in  
27    the department of public safety the crime victim services advisory board,

1 referred to in this section as the "advisory board". The advisory board IS  
2 A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its  
3 powers and perform its duties and functions under the division of criminal  
4 justice in the department of public safety and the executive director of the  
5 department of public safety, referred to in this section as the "executive  
6 director". ~~as if the same were transferred to the department of public~~  
7 ~~safety by a **type 2** transfer, as such transfer is defined in the~~  
8 ~~"Administrative Organization Act of 1968", article 1 of this title.~~

9 **SECTION 200.** In Colorado Revised Statutes, 24-33.5-106,  
10 **amend** (2) as follows:

11 **24-33.5-106. Witness protection board - creation - Javad**  
12 **Marshall-Fields and Vivian Wolfe witness protection program -**  
13 **witness protection fund.** (2) The witness protection board IS A **TYPE 1**  
14 ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall exercise its powers  
15 and perform its duties and functions ~~as if the same were transferred to~~  
16 ~~UNDER the department of public safety. by a **type 1** transfer, as such~~  
17 ~~transfer is defined in the "Administrative Organization Act of 1968",~~  
18 ~~article 1 of this title.~~

19 **SECTION 201.** In Colorado Revised Statutes, 24-33.5-109,  
20 **amend** (1)(b) as follows:

21 **24-33.5-109. Cold case task force - creation - rules - repeal.**  
22 (1) (b) The task force IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION  
23 24-1-105, AND shall exercise its powers and perform its duties and  
24 functions ~~as if the same were transferred to~~ UNDER the department of  
25 public safety. ~~by a **type 2** transfer, as such transfer is defined in the~~  
26 ~~"Administrative Organization Act of 1968", article 1 of this title.~~

27 **SECTION 202.** In Colorado Revised Statutes, 24-33.5-201,

1     **amend** (2) as follows:

2             **24-33.5-201. Colorado state patrol created.** (2) The Colorado  
3     state patrol and the office of the chief ARE **TYPE 2** ENTITIES, AS DEFINED  
4     IN SECTION 24-1-105, AND shall exercise their powers and perform their  
5     duties and functions under the department of public safety and the  
6     executive director. ~~as transferred to the department by a **type 2** transfer,~~  
7     ~~as such transfer is defined in the "Administrative Organization Act of~~  
8     ~~1968", article 1 of this title.~~

9             **SECTION 203.** In Colorado Revised Statutes, 24-33.5-401,  
10    **amend** (2) as follows:

11            **24-33.5-401. Colorado bureau of investigation.** (2) The  
12    Colorado bureau of investigation and the office of the director ARE **TYPE**  
13    **2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND shall exercise their  
14    powers and perform their duties and functions under the department of  
15    public safety and the executive director. ~~as transferred to the department~~  
16    ~~by a **type 2** transfer, as such transfer is defined in the "Administrative~~  
17    ~~Organization Act of 1968", article 1 of this title.~~

18            **SECTION 204.** In Colorado Revised Statutes, 24-33.5-502,  
19    **amend** (2) as follows:

20            **24-33.5-502. Division of criminal justice created.** (2) The  
21    division of criminal justice and the office of the director ARE **TYPE 2**  
22    ENTITIES, AS DEFINED IN SECTION 24-1-105, AND shall exercise their  
23    powers and perform their duties and functions under the department of  
24    public safety and the executive director. ~~as transferred to the department~~  
25    ~~by a **type 2** transfer, as such transfer is defined in the "Administrative~~  
26    ~~Organization Act of 1968", article 1 of this title.~~

27            **SECTION 205.** In Colorado Revised Statutes, 24-33.5-1201,

1     **amend** (2), (3)(a), (4)(a)(II), and (5)(a) as follows:

2             **24-33.5-1201. Division of fire prevention and control - creation**

3     **- public school construction and inspection section - health facility**

4     **construction and inspection section - legislative declaration.** (2) The

5     division, the office of the director, the advisory board created ~~by~~ IN

6     section 24-33.5-1204, and the board of appeals created ~~by~~ IN section

7     24-33.5-1213.7 ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105,

8     AND shall exercise their powers and perform their duties and functions

9     under the department of public safety and the executive director. ~~as if the~~

10    ~~same were transferred to the department by a **type 2** transfer, as such~~

11    ~~transfer is defined in the "Administrative Organization Act of 1968",~~

12    ~~article 1 of this title. <{***DPS, should the advisory board and the board***~~

13    ~~***of appeals be included in the Administrative Organization Act?***>~~

14             (3) (a) There is ~~hereby~~ created ~~within~~ IN the division the public

15    school construction and inspection section to implement the provisions

16    of sections 22-32-124 (2) and 23-71-122 (1)(v) ~~C.R.S.~~, and to administer

17    and enforce the codes in accordance with sections 24-33.5-1213 and

18    24-33.5-1213.3. The public school construction and inspection section IS

19    A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall EXERCISE

20    ITS POWERS AND perform its duties and functions under the division and

21    the executive director. ~~as if the same were transferred to the department~~

22    ~~by a **type 2** transfer, as such transfer is defined in the "Administrative~~

23    ~~Organization Act of 1968", article 1 of this title. <{***DPS, should this be***~~

24    ~~***included in the AOA?***>~~

25             (4) (a) (II) There is ~~hereby~~ created in the division of fire

26    prevention and control the wildland fire management section to

27    implement the provisions of this subsection (4) and sections 24-33.5-1217

1 to 24-33.5-1226. The wildland fire management section IS A **TYPE 2**  
2 ENTITY, AS DEFINED IN SECTION 24-1-105, AND shall EXERCISE ITS POWERS  
3 AND perform its duties and functions under the division of fire prevention  
4 and control. ~~as if the same were transferred by a type 2 transfer, as such~~  
5 ~~transfer is defined in the "Administrative Organization Act of 1968",~~  
6 ~~article 1 of this title. <{*DPS, should this be included in the AOA?*}>~~

7 (5) (a) There is ~~hereby~~ created ~~within~~ IN the division the health  
8 facility construction and inspection section to implement section  
9 24-33.5-1212.5 and to administer and enforce the codes in accordance  
10 with sections 24-33.5-1212.5 and 24-33.5-1213. The health facility  
11 construction and inspection section IS A **TYPE 2** ENTITY, AS DEFINED IN  
12 SECTION 24-1-105, AND shall EXERCISE ITS POWERS AND perform its duties  
13 and functions under the division and the executive director. ~~as if the same~~  
14 ~~were transferred to the department by a type 2 transfer, as such transfer~~  
15 ~~is defined in the "Administrative Organization Act of 1968", article 1 of~~  
16 ~~this title. <{*DPS, should this be included in the AOA?*}>~~

17 **SECTION 206.** In Colorado Revised Statutes, **amend**  
18 24-33.5-1603 as follows:

19 **24-33.5-1603. Division of homeland security and emergency**  
20 **management - creation - director.** (1) There is ~~hereby~~ created ~~within~~  
21 IN the department the division of homeland security and emergency  
22 management, the head of which is the director of the division. The  
23 executive director shall appoint the director pursuant to section 13 of  
24 article XII of the state constitution. THE DIVISION OF HOMELAND SECURITY  
25 AND EMERGENCY MANAGEMENT AND THE DIRECTOR OF THE DIVISION ARE  
26 **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

27 (2) The division includes the following agencies, WHICH ARE **TYPE**

1     **2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND which shall exercise  
2     their powers and perform their duties and functions under the department:  
3     ~~as if the same were transferred thereto by a type 2 transfer:~~

4             (a) The office of emergency management, created in section  
5     24-33.5-705;

6             (b) The office of prevention and security, created in section  
7     24-33.5-1606; and

8             (c) The office of preparedness, created in section 24-33.5-1606.5.

9             **SECTION 207.** In Colorado Revised Statutes, 24-33.5-1606,  
10    **amend** (1)(a) as follows:

11            **24-33.5-1606. Office of prevention and security - creation -**  
12    **duties.** (1) (a) There is ~~hereby~~ created ~~within~~ IN the division an office of  
13    prevention and security, the head of which is the manager of the office of  
14    prevention and security. The director shall appoint the manager of the  
15    office of prevention and security pursuant to section 13 of article XII of  
16    the state constitution. THE OFFICE OF PREVENTION AND SECURITY IS A  
17    **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. <{*DPS, is this a type*  
18    *2 entity? It specified type 2 in the draft I inherited but I'm not sure*  
19    *where that came from.*>

20            **SECTION 208.** In Colorado Revised Statutes, 24-33.5-1703,  
21    **amend** (1)(b) as follows:

22            **24-33.5-1703. Identity theft and financial fraud board -**  
23    **creation - rules.** (1) (b) The board IS A **TYPE 2** ENTITY, AS DEFINED IN  
24    SECTION 24-1-105, AND shall exercise its powers and perform its duties  
25    and functions ~~as if the same were transferred to~~ UNDER the department of  
26    public safety. ~~by a type 2 transfer, as such transfer is defined in the~~  
27    "Administrative Organization Act of 1968", article 1 of this title.

1 <{*Department of Transportation*}>

2 SECTION 209. In Colorado Revised Statutes, 24-1-128.7,  
3 amend (2), (3), (4), (5), (6), and (8) as follows:

4 24-1-128.7. Department of transportation - creation. (2) The  
5 transportation commission, created by IN part 1 of article 1 of title 43,  
6 C.R.S., and its powers, duties, and functions are transferred by a **type 1**  
7 transfer to the department of transportation IS A **TYPE 1** ENTITY, AS  
8 DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE ITS POWERS AND  
9 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
10 TRANSPORTATION.

11 (3) The department of transportation consists of the following  
12 divisions:

13 (a) THE highway maintenance division, the head of which is the  
14 director of the highway maintenance division. The highway maintenance  
15 division and the office of the director, ~~thereof~~, created by IN part 1 of  
16 article 1 of title 43, C.R.S., and their powers, duties, and functions are  
17 transferred by a **type 2** transfer to the department of transportation ARE  
18 **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND SHALL EXERCISE  
19 THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE  
20 DEPARTMENT OF TRANSPORTATION.

21 (b) THE aeronautics division, the head of which ~~shall be~~ is the  
22 director of the aeronautics division. The aeronautics division and the  
23 office of the director, ~~thereof~~, created by IN article 10 of title 43, C.R.S.,  
24 and their powers, duties, and functions are transferred by a **type 1** transfer  
25 to the department of transportation ARE **TYPE 1** ENTITIES, AS DEFINED IN  
26 SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM  
27 THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF

1 TRANSPORTATION. The RESPONSIBILITIES OF THE DEPARTMENT OF  
2 TRANSPORTATION AND THE AERONAUTICS DIVISION INCLUDE THE powers,  
3 duties, and functions of the division of aviation, FORMERLY UNDER THE  
4 AUTHORITY of the department of military and veterans affairs. ~~are~~  
5 ~~transferred by a type 1 transfer to the department of transportation and~~  
6 ~~allocated to the aeronautics division.~~ <{Does the division of aviation still  
7 exist? If so, is it a type 1 entity?}>

8 (c) THE transportation development division, the head of which  
9 ~~shall be~~ IS the director of the transportation development division. The  
10 transportation development division and the office of the director, ~~thereof,~~  
11 ~~created by~~ IN part 1 of article 1 of title 43, C.R.S., ~~and their powers,~~  
12 ~~duties, and functions are transferred by a type 2 transfer to the department~~  
13 ~~of transportation~~ ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105,  
14 AND SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND  
15 FUNCTIONS UNDER THE DEPARTMENT OF TRANSPORTATION.

16 (d) THE engineering, design, and construction division, the head  
17 of which ~~shall be~~ IS the chief engineer. The ~~transportation development~~  
18 ~~division~~ ENGINEERING, DESIGN, AND CONSTRUCTION DIVISION <{CDOT,  
19 Was the reference to the transportation development division here a  
20 mistake? That division is detailed in subsection (c).}> and the office of  
21 the chief engineer, ~~created by~~ IN part 1 of article 1 of title 43, C.R.S., ~~and~~  
22 ~~their powers, duties, and functions are transferred by a type 2 transfer to~~  
23 ~~the department of transportation~~ ARE **TYPE 2** ENTITIES, AS DEFINED IN  
24 SECTION 24-1-105, AND SHALL EXERCISE THEIR POWERS AND PERFORM  
25 THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
26 TRANSPORTATION.

27 (e) The transit and rail division created in part 1 of article 1 of title



1 43, ~~C.R.S.~~, the head of which ~~shall be~~ is the director of the transit and rail  
2 division. The transit and rail division and the office of the director of the  
3 division ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND shall  
4 exercise their powers and perform their duties and functions under the  
5 department of transportation and the executive director of the department.  
6 ~~as if the same were transferred thereto by a type 2 transfer.~~

7 (4) The POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF  
8 TRANSPORTATION INCLUDE THE POWERS, DUTIES, AND FUNCTIONS OF THE  
9 state department of highways, created by IN section 24-1-126, prior to its  
10 repeal in 1991, and its ~~powers, duties, and functions, are transferred by a~~  
11 ~~type 3 transfer to the department of transportation, pursuant to the~~  
12 ~~provisions of this article 1, and the state department of highways is~~  
13 ~~abolished.~~

14 (5) The statewide bridge enterprise, created in section 43-4-805  
15 (2), ~~C.R.S.~~, IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
16 shall exercise its powers and perform its duties and functions ~~as if the~~  
17 ~~same were transferred by a type 1 transfer, as defined in section~~  
18 ~~24-1-105, to~~ UNDER the department of transportation.

19 (6) (a) The high-performance transportation enterprise, created in  
20 section 43-4-806 (2)(a), ~~C.R.S.~~, IS A **TYPE 1** ENTITY, AS DEFINED IN  
21 SECTION 24-1-105, AND shall exercise its powers and perform its duties  
22 and functions ~~as if the same were transferred by a type 1 transfer, as~~  
23 ~~defined in section 24-1-105 to~~ UNDER the department of transportation.

24 (b) The POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF  
25 TRANSPORTATION AND THE HIGH-PERFORMANCE TRANSPORTATION  
26 ENTERPRISE INCLUDE THE POWERS, DUTIES, AND FUNCTIONS OF THE  
27 statewide tolling enterprise, created by the transportation commission

1 pursuant to section 43-4-803 (1), ~~C.R.S.~~, prior to the repeal and  
2 reenactment of said section by Senate Bill 09-108, enacted in 2009, and  
3 ~~its powers, duties, and functions are transferred by a type 3 transfer, as~~  
4 ~~defined in section 24-1-105, to the high-performance transportation~~  
5 ~~enterprise created in section 43-4-806 (2)(a), C.R.S., and the statewide~~  
6 tolling enterprise is abolished.

7 (8) (a) The southwest chief and front range passenger rail  
8 commission created in section 43-4-1001 (2)(a) IS A **TYPE 1** ENTITY, AS  
9 DEFINED IN SECTION 24-1-105, AND shall exercise its powers and perform  
10 its duties and functions ~~as if the same were transferred by a type 1~~  
11 ~~transfer, as defined in section 24-1-105, to~~ UNDER the department of  
12 transportation.

13 (b) The POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF  
14 TRANSPORTATION AND THE SOUTHWEST CHIEF AND FRONT RANGE  
15 PASSENGER RAIL COMMISSION INCLUDE THE POWERS, DUTIES, AND  
16 FUNCTIONS OF THE southwest chief rail line economic development, rural  
17 tourism, and infrastructure repair and maintenance commission created  
18 in section 43-4-1001 (4) prior to the repeal and reenactment of said  
19 section by Senate Bill 17-153, enacted in 2017, and ~~its powers, duties,~~  
20 ~~and functions are transferred by a type 3 transfer, as defined in section~~  
21 ~~24-1-105, to the southwest chief and front range passenger rail~~  
22 ~~commission created in section 43-4-1001 (2)(a) and the southwest chief~~  
23 rail line economic development, rural tourism, and infrastructure repair  
24 and maintenance commission is abolished.

25 **SECTION 210.** In Colorado Revised Statutes, 43-1-106, **amend**  
26 (1) as follows:

27 **43-1-106. Transportation commission - powers and duties.**

1 (1) There is ~~hereby~~ created a transportation commission, which shall  
2 ~~consist~~ CONSISTS of eleven members. The initial members of the  
3 commission shall be the members of the state highway commission  
4 immediately prior to July 1, 1991, and each such commission member  
5 shall continue to represent the same district. THE TRANSPORTATION  
6 COMMISSION IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

7 **SECTION 211.** In Colorado Revised Statutes, 43-1-114, **amend**  
8 (2) as follows:

9 **43-1-114. Highway maintenance division - creation.** (2) The  
10 highway maintenance division and the director of the division ARE **TYPE**  
11 **2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND shall exercise their  
12 powers and perform their duties and functions under the department and  
13 the executive director. ~~as if the same were transferred to the department~~  
14 ~~by a **type 2** transfer, as such transfer is defined in the "Administrative~~  
15 ~~Organization Act of 1968", article 1 of title 24, C.R.S.~~

16 **SECTION 212.** In Colorado Revised Statutes, 43-1-116, **amend**  
17 (2) as follows:

18 **43-1-116. Engineering, design, and construction division -**  
19 **created - duties.** (2) The engineering, design, and construction division  
20 and the office of the chief engineer ARE **TYPE 2** ENTITIES, AS DEFINED IN  
21 SECTION 24-1-105, AND shall exercise their powers and perform their  
22 duties and functions under the department of transportation and the  
23 executive director. ~~as if the same were transferred to the department by~~  
24 ~~a **type 2** transfer, as such transfer is defined in the "Administrative~~  
25 ~~Organization Act of 1968", article 1 of title 24, C.R.S.~~

26 **SECTION 213.** In Colorado Revised Statutes, 43-1-117, **amend**  
27 (2) as follows:

1           **43-1-117. Transportation development division - created -**  
2 **duties.** (2) The transportation development division and the office of the  
3 director of ~~such~~ THE division ARE **TYPE 2** ENTITIES, AS DEFINED IN  
4 SECTION 24-1-105, AND shall exercise their powers and perform their  
5 duties and functions under the department of transportation and the  
6 executive director. ~~as if the same were transferred to the department by~~  
7 ~~a **type 2** transfer, as such transfer is defined in the "Administrative~~  
8 ~~Organization Act of 1968", article 1 of title 24, C.R.S.~~

9           **SECTION 214.** In Colorado Revised Statutes, 43-1-117.5,  
10 **amend** (2) as follows:

11           **43-1-117.5. Transit and rail division - created - powers and**  
12 **duties.** (2) The transit and rail division and the office of the director of  
13 the division ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND  
14 shall exercise their powers and perform their duties and functions under  
15 the department and the executive director. ~~as if the same were transferred~~  
16 ~~to the department by a **type 2** transfer, as defined in section 24-1-105,~~  
17 ~~C.R.S.~~

18           **SECTION 215.** In Colorado Revised Statutes, 43-4-805, **amend**  
19 (2)(a)(II) as follows:

20           **43-4-805. Statewide bridge enterprise - creation - board -**  
21 **funds - powers and duties - legislative declaration.** (2) (a) (II) The  
22 bridge enterprise and the bridge enterprise director ARE **TYPE 1** ENTITIES,  
23 AS DEFINED IN SECTION 24-1-105, AND shall exercise their powers and  
24 perform their duties ~~as if the same were transferred to~~ AND FUNCTIONS  
25 UNDER the department. ~~by a **type 1** transfer, as defined in section~~  
26 ~~24-1-105, C.R.S.~~

27           **SECTION 216.** In Colorado Revised Statutes, 43-4-806, **amend**

1 (2)(a)(III) as follows:

2 **43-4-806. High-performance transportation enterprise -**  
 3 **creation - board - funds - powers and duties - limitations - reporting**  
 4 **requirements - legislative declaration - definition.** (2) (a) (III) (A) The  
 5 transportation enterprise and the transportation enterprise director ARE  
 6 **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND shall exercise  
 7 their powers and perform their duties ~~as if the same were transferred to~~  
 8 AND FUNCTIONS UNDER the department. ~~by a type 1 transfer, as defined~~  
 9 ~~in section 24-1-105, C.R.S.~~

10 (B) The POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF  
 11 TRANSPORTATION INCLUDE THE POWERS, DUTIES, AND FUNCTIONS OF THE  
 12 statewide tolling enterprise, created by the commission pursuant to  
 13 section 43-4-803 (1), prior to the repeal and reenactment of said section  
 14 by Senate Bill 09-108, enacted in 2009, ~~and its powers, duties, and~~  
 15 ~~functions are transferred by a type 3 transfer, as defined in section~~  
 16 ~~24-1-105, C.R.S., to the transportation enterprise,~~ and the statewide  
 17 tolling enterprise is abolished.

18 **SECTION 217.** In Colorado Revised Statutes, 43-4-1001, **amend**  
 19 (2)(a) introductory portion as follows:

20 **43-4-1001. Southwest chief and front range passenger rail**  
 21 **service in Colorado - commission - membership and powers -**  
 22 **definitions.** (2) (a) The southwest chief and front range passenger rail  
 23 commission is created in the department of transportation. The  
 24 commission IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND  
 25 shall exercise its powers and perform its duties ~~as if the same were~~  
 26 ~~transferred to~~ AND FUNCTIONS UNDER the department. ~~by a type 1~~  
 27 ~~transfer, as defined in section 24-1-105.~~ The commission consists of the

1 following eleven commissioners:

2           **SECTION 218. Act subject to petition - effective date.** This act  
3 takes effect at 12:01 a.m. on the day following the expiration of the  
4 ninety-day period after final adjournment of the general assembly; except  
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
6 of the state constitution against this act or an item, section, or part of this  
7 act within such period, then the act, item, section, or part will not take  
8 effect unless approved by the people at the general election to be held in  
9 November 2022 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.